

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3884 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Charles McCall

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 3884

By: McCall

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to the Department of Environmental Quality; creating Division of Mines; consolidating the Department of Mines into the Department of Environmental Quality; defining term; requiring transfer of certain papers, records, and property by certain date; transferring certain functions, powers, duties, and obligations; transferring certain rules, regulations, acts, orders, determinations, and decisions; detailing the transfer of certain employees; requiring certain coordination; amending 27A O.S. 2021, Sections 1-1-201, 1-3-101, 2-1-102, 2-3-110, 2-6-111, 4-1-102, which relate to definitions, state environmental agencies, sale of headquarters building, permitting moratorium; deleting references to consolidated agency; modifying certain agency responsibilities; amending 29 O.S. 2021, Section 7-401a, which relates to violations causing death of fish or wildlife; modifying definition; amending 45 O.S. 2021, Sections 1.2, 1.3, 1.4, 1.5, 1a, 1b, 1c, 1d, 1e, 1f, 2, 3, 5, 6, 8, 31, 34, 41, 44, 45, 46, 46.1, 48, 723, 724, 725, 727, 728, 729, 731, 732, 733, 734, 735, 738, 742.1, 742.2, 745.1, 745.2, 745.3, 745.4, 745.5, 745.6, 745.8, 745.9, 745.10, 745.11, 745.12, 745.13, 745.15, 745.16.1, 745.17, 745.19, 745.21, 745.22, 751, 752, 753, 754, 754.1, 754.2, 755, 756, 757, 760, 760.1, 760.2, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 786, 787, 789, 790, 791, 791.1, 792, 793, 852, 901, 902, 903, 904, 905, 906, 907, 911, 918, 931, 938.1, and 950, which relate to the violations of board order, hearings, inspections, rules and regulations, powers and duties, Chief Mine Inspector, Oklahoma Miner

1 Training Institute, certificates of competency,
2 issuance of certificates, temporary permits; annual
3 reports, examinations of mines, disputes, special
4 counsel, study of mining laws, market studies, acid
5 mine drainage, borrow pit drainage, permits;
6 procedure for reclaiming land, inspections, bonds,
7 violations, maps, legal assistance, sand and gravel,
8 judicial review, Coal Reclamation Act of 1979, term
9 of permits, termination of permits, renewal of
10 permits, reclamation plan, performance bond, criteria
11 for approval of permit, schedule of notices
12 violations, revision of permits, exploration
13 regulations, notice, objections to application for
14 permit, findings, temporary relief, appeals, small
15 operator assistance program; applications, augering,
16 surface mining, reclamation efforts, disturbances to
17 hydrologic balance, waste piles, explosives,
18 reestablishment of native flora, spoil material,
19 performance standards, steep slope mining, soil
20 restoration, mine operators, suspension of
21 underground mining, application to surface
22 operations, data collection, right of entry,
23 conflicts of interest, reports of violations, civil
24 penalties, release of performance bond, civil
actions, conditions or practices in violation,
abatement of violation, suspension or revocation,
notices and orders, actions for damages, land
unsuitable for surface mining, petitions, limitations
on surface mining, cooperative agreements, review of
notices or orders, appeals of orders, rules and
regulations, unconstitutionality of certain act,
federal rules and regulations, alternative
reclamation practices, assistance of state agencies,
federal inspection, Governor as ex officio member,
certificates of competency, certification of
applicants, records, revocation of certificates,
inspection and examination of strip and surface
mines, explosives, operator's fees, creation of
revolving fund, and moratoriums on certain permits;
deleting references to consolidated Department;
modifying agency responsibilities; defining terms;
amending 47 O.S. 2021, Section 156, which relates to
purchase of passenger automobiles or buses with
public funds; deleting reference to consolidated
agency; amending 51 O.S. 2021, Section 24A.27, which
relates to confidentiality of vulnerability
assessments of critical assets; deleting reference to

1 consolidated agency; amending 59 O.S. 2021, Section
2 3022, which relates to definitions; modifying agency
3 reference; amending 63 O.S. 2021, Sections 122.2,
4 123.1, 123.2, 123.2A, 123.3, 123.4, 123.5, 123.7, and
5 123.8, which relate to definitions, agency
6 responsibility for blasting operations or activities,
7 permits; modifying agency references; rules, fees,
8 violations, deposit of monies, exemptions; modifying
9 agency references; amending 68 O.S. 2021, Section
10 2357.11, which relates to tax credit; modifying
11 agency references; amending 74 O.S. 2021, Section
12 500.18, which relates to exemptions; deleting
13 consolidated agency exemption; amending 82 O.S. 2021,
14 Sections 1020.2 and 1020.9C, which relate to
15 declaration of policy and moratorium on actions
16 related to the operation of certain mines; modifying
17 agency references; deleting references to
18 consolidated agency; repealing 45 O.S. 2021, Sections
19 1, 3.1, 32 and 938, which relate to the Oklahoma
20 Mining Commission, appointments, and Department of
21 Mines Revolving Fund; providing for codification;
22 providing for recodification; providing an effective
23 date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 3001 of Title 27A, unless there
is created a duplication in numbering, reads as follows:

A. There is hereby created within the Department of
Environmental Quality a Division of Mines, which shall fulfill the
role of the Department of Mines created by Section 25 of Article 6
of the Oklahoma Constitution.

B. The Department of Mines is hereby consolidated into the
Department of Environmental Quality as the Division of Mines

1 described in subsection A of this section. The Executive Director
2 of the Department of Environmental Quality shall assume all
3 executive-level responsibilities formerly belonging to the
4 Department of Mines. The Executive Director of the Department of
5 Environmental Quality shall function as and possess the powers of
6 the agency director for the consolidated agency as enumerated by
7 existing statute. For the purposes of this section the term
8 "consolidated agency" shall mean the Department of Mines. Any funds
9 appropriated to, in the possession of, or allocated to the
10 consolidated agency shall be deemed to be funds of the Department of
11 Environmental Quality.

12 C. The Executive Director of the Department of Environmental
13 Quality shall cause the personnel of the consolidated agency to
14 deliver to the Department of Environmental Quality all books,
15 papers, records, and property of the consolidated agency within
16 ninety (90) days after the effective date of this act.

17 D. All functions, powers, duties, and obligations previously
18 assigned to the consolidated agency are hereby transferred to the
19 Department of Environmental Quality.

20 E. All rules, regulations, acts, orders, determinations, and
21 decisions of the consolidated agency, pertaining to the functions
22 and powers herein transferred and assigned to the Department of
23 Environmental Quality, in force at the time of such transfer,
24 assignment, assumption, or devolution shall continue in force and

1 effect as rules, regulations, acts, orders, determinations, and
2 decisions of the consolidated agency until duly modified or
3 abrogated by the appropriate body or until otherwise provided by
4 law.

5 F. All personnel of the consolidated agency whose duties are
6 transferred under this act shall be transferred to the Department of
7 Environmental Quality at the discretion of the Executive Director.
8 Personnel transferred pursuant to the provisions of this section
9 shall not be required to accept a lesser salary than presently
10 received. Personnel transferred shall be placed within the
11 classification level in which they meet qualifications without an
12 entrance exam. All such persons transferred shall retain seniority,
13 leave, sick and annual time earned, and any retirement benefits
14 which have accrued during their tenure with the consolidated agency.
15 The transfer of personnel among the agencies shall be coordinated
16 with the Office of Management and Enterprise Services.

17 SECTION 2. AMENDATORY 27A O.S. 2021, Section 1-1-201, is
18 amended to read as follows:

19 Section 1-1-201. As used in the Oklahoma Environmental Quality
20 Act:

21 1. "Clean Water Act" means the federal Water Pollution Control
22 Act, 33 U.S.C., Section 1251 et seq., as amended;

23
24

1 2. "Discharge" includes but is not limited to a discharge of a
2 pollutant, and means any addition of any pollutant to waters of the
3 state from any point source;

4 3. "Environment" includes the air, land, wildlife, and waters
5 of the state;

6 4. "Federal Safe Drinking Water Act" means the federal law at
7 42 U.S.C., Section 300 et seq., as amended;

8 5. "Groundwater protection agencies" include the:

9 a. Oklahoma Water Resources Board,

10 b. Oklahoma Corporation Commission,

11 c. State Department of Agriculture,

12 d. Department of Environmental Quality, and

13 e. Conservation Commission, ~~and~~

14 f. ~~Department of Mines;~~

15 6. "Nonpoint source" means the contamination of the environment
16 with a pollutant for which the specific point of origin may not be
17 well defined and includes but is not limited to agricultural storm
18 water runoff and return flows from irrigated agriculture;

19 7. "N.P.D.E.S." or "National Pollutant Discharge Elimination
20 System" means the system for the issuance of permits under the
21 Federal Water Pollution Control Act, 33 U.S.C., Section 1251 et
22 seq., as amended;

23 8. "Point source" means any discernible, confined and discrete
24 conveyance or outlet including but not limited to any pipe, ditch,

1 channel, tunnel, conduit, well, discrete fissure container, rolling
2 stock or vessel or other floating craft from which pollutants are or
3 may be discharged into waters of the state. The term "point source"
4 shall not include agricultural storm water runoff and return flows
5 from irrigated agriculture;

6 9. "Pollutant" includes but is not limited to dredged spoil,
7 solid waste, incinerator residue, sewage, garbage, sewage sludge,
8 munitions, chemical wastes, biological materials, radioactive
9 materials, heat, wrecked or discarded equipment, rock, sand, cellar
10 dirt and industrial, municipal, and agribusiness waste;

11 10. "Pollution" means the presence in the environment of any
12 substance, contaminant or pollutant, or any other alteration of the
13 physical, chemical or biological properties of the environment or
14 the release of any liquid, gaseous or solid substance into the
15 environment in quantities which are or will likely create a nuisance
16 or which render or will likely render the environment harmful or
17 detrimental or injurious to public health, safety or welfare, or to
18 domestic, commercial, industrial, agricultural, recreational, or
19 other legitimate beneficial uses, or to livestock, wild animals,
20 birds, fish or other aquatic life, or to property;

21 11. "Source" means any and all points of origin of any wastes,
22 pollutants or contaminants whether publicly or privately owned or
23 operated;

24

1 12. "State agencies with limited environmental
2 responsibilities" means:

- 3 a. the Department of Public Safety,
- 4 b. the Department of Labor, and
- 5 c. the Department of Civil Emergency Management;

6 13. "State environmental agency" includes the:

- 7 a. Oklahoma Water Resources Board,
- 8 b. Oklahoma Corporation Commission,
- 9 c. State Department of Agriculture,
- 10 d. Oklahoma Conservation Commission,
- 11 e. Department of Wildlife Conservation, and
- 12 f. ~~Department of Mines, and~~
- 13 ~~g.~~ Department of Environmental Quality;

14 14. "Storm water" means rain water runoff, snow melt runoff,
15 and surface runoff and drainage;

16 15. "Total maximum daily load" means the sum of individual
17 wasteload allocations (W.L.A.) for point sources, safety, reserves,
18 and loads from nonpoint sources and natural backgrounds;

19 16. "Waste" means any liquid, gaseous or solid or semi-solid
20 substance, or thermal component, whether domestic, municipal,
21 commercial, agricultural or industrial in origin, which may pollute
22 or contaminate or tend to pollute or contaminate, any air, land or
23 waters of the state;

1 17. "Wastewater" includes any substance, including sewage, that
2 contains any discharge from the bodies of human beings or animals,
3 or pollutants or contaminating chemicals or other contaminating
4 wastes from domestic, municipal, commercial, industrial,
5 agricultural, manufacturing or other forms of industry;

6 18. "Wastewater treatment" means any method, technique or
7 process used to remove pollutants from wastewater or sludge to the
8 extent that the wastewater or sludge may be reused, discharged into
9 waters of the state or otherwise disposed and includes, but is not
10 limited to, the utilization of mechanized works, surface
11 impoundments and lagoons, aeration, evaporation, best management
12 practices (BMPs), buffer strips, crop removal or trapping,
13 constructed wetlands, digesters or other devices or methods.
14 "Treatment" also means any method, technique or process used in the
15 purification of drinking water;

16 19. "Wastewater treatment system" means treatment works and all
17 related pipelines or conduits, pumping stations and force mains, and
18 all other appurtenances and devices used for collecting, treating,
19 conducting or discharging wastewater;

20 20. "Waters of the state" means all streams, lakes, ponds,
21 marshes, watercourses, waterways, wells, springs, irrigation
22 systems, drainage systems, storm sewers and all other bodies or
23 accumulations of water, surface and underground, natural or
24 artificial, public or private, which are contained within, flow

1 through, or border upon this state or any portion thereof, and shall
2 include under all circumstances the waters of the United States
3 which are contained within the boundaries of, flow through or border
4 upon this state or any portion thereof. Provided, waste treatment
5 systems, including treatment ponds or lagoons designed to meet
6 federal and state requirements other than cooling ponds as defined
7 in the Clean Water Act or rules promulgated thereto and prior
8 converted cropland are not waters of the state; and

9 21. "Wellhead protection area" means the surface and subsurface
10 area surrounding a water well or wellfield supplying a public water
11 system that defines the extent of the area from which water is
12 supplied to such water well or wellfield.

13 SECTION 3. AMENDATORY 27A O.S. 2021, Section 1-3-101, is
14 amended to read as follows:

15 Section 1-3-101. A. The provisions of this section specify the
16 jurisdictional areas of responsibility for each state environmental
17 agency and state agencies with limited environmental responsibility.
18 The jurisdictional areas of environmental responsibility specified
19 in this section shall be in addition to those otherwise provided by
20 law and assigned to the specific state environmental agency;
21 provided that any rule, interagency agreement or executive order
22 enacted or entered into prior to the effective date of this section
23 which conflicts with the assignment of jurisdictional environmental
24 responsibilities specified by this section is hereby superseded.

1 The provisions of this subsection shall not nullify any financial
2 obligation arising from services rendered pursuant to any
3 interagency agreement or executive order entered into prior to July
4 1, 1993, nor nullify any obligations or agreements with private
5 persons or parties entered into with any state environmental agency
6 before July 1, 1993.

7 B. Department of Environmental Quality. The Department of
8 Environmental Quality shall have the following jurisdictional areas
9 of environmental responsibility:

10 1. All point source discharges of pollutants and storm water to
11 waters of the state which originate from municipal, industrial,
12 commercial, mining, transportation and utilities, construction,
13 trade, real estate and finance, services, public administration,
14 manufacturing and other sources, facilities and activities, except
15 as provided in subsections D and E of this section;

16 2. All nonpoint source discharges and pollution except as
17 provided in subsections D, E and F of this section;

18 3. Technical lead agency for point source, nonpoint source and
19 storm water pollution control programs funded under Section 106 of
20 the federal Clean Water Act, for areas within the Department's
21 jurisdiction as provided in this subsection;

22 4. Surface water and groundwater quality and protection and
23 water quality certifications;

24 5. Waterworks and wastewater works operator certification;

1 6. Public and private water supplies;

2 7. Underground injection control pursuant to the federal Safe
3 Drinking Water Act and 40 CFR Parts 144 through 148, except for:

4 a. Class II injection wells,

5 b. Class V injection wells utilized in the remediation of
6 groundwater associated with underground or aboveground
7 storage tanks regulated by the Corporation Commission,

8 c. those wells used for the recovery, injection or

9 disposal of mineral brines as defined in the Oklahoma
10 Brine Development Act regulated by the Commission, and

11 d. any aspect of any CO2 sequestration facility,

12 including any associated CO2 injection well, over

13 which the Commission is given jurisdiction pursuant to
14 the Oklahoma Carbon Capture and Geologic Sequestration

15 Act;

16 8. Notwithstanding any other provision in this section or other
17 environmental jurisdiction statute, sole and exclusive jurisdiction
18 for air quality under the federal Clean Air Act and applicable state
19 law, except for indoor air quality and asbestos as regulated for
20 worker safety by the federal Occupational Safety and Health Act and
21 by Chapter 11 of Title 40 of the Oklahoma Statutes;

22 9. Hazardous waste and solid waste, including industrial,
23 commercial and municipal waste;

24

1 10. Superfund responsibilities of the state under the
2 Comprehensive Environmental Response, Compensation and Liability Act
3 of 1980 and amendments thereto, except the planning requirements of
4 Title III of the Superfund Amendment and Reauthorization Act of
5 1986;

6 11. Radioactive waste and all regulatory activities for the use
7 of atomic energy and sources of radiation except for electronic
8 products used for diagnosis by diagnostic x-ray facilities and
9 electronic products used for bomb detection by public safety bomb
10 squads within law enforcement agencies of this state or within law
11 enforcement agencies of any political subdivision of this state;

12 12. Water, waste, and wastewater treatment systems including,
13 but not limited to, septic tanks or other public or private waste
14 disposal systems;

15 13. Emergency response as specified by law;

16 14. Environmental laboratory services and laboratory
17 certification;

18 15. Hazardous substances other than branding, package and
19 labeling requirements;

20 16. Freshwater wellhead protection;

21 17. Groundwater protection for activities subject to the
22 jurisdictional areas of environmental responsibility of the
23 Department;

24

1 18. Utilization and enforcement of Oklahoma Water Quality
2 Standards and implementation documents;

3 19. Environmental regulation of any entity or activity, and the
4 prevention, control and abatement of any pollution, not subject to
5 the specific statutory authority of another state environmental
6 agency;

7 20. Development and maintenance of a computerized information
8 system relating to water quality pursuant to Section 1-4-107 of this
9 title;

10 21. Development and promulgation of a Water Quality Standards
11 Implementation Plan pursuant to Section 1-1-202 of this title for
12 its jurisdictional area of environmental responsibility; and

13 22. Development and utilization of policies and requirements
14 necessary for the implementation of Oklahoma Groundwater Quality
15 Standards to the extent that the implementation of such standards
16 are within the scope of the Department's jurisdiction, including but
17 not limited to the establishment of points of compliance when
18 warranted.

19 C. Oklahoma Water Resources Board. The Oklahoma Water
20 Resources Board shall have the following jurisdictional areas of
21 environmental responsibility:

22 1. Water quantity including, but not limited to, water rights,
23 surface water and underground water, planning, and interstate stream
24 compacts;

- 1 2. Weather modification;
- 2 3. Dam safety;
- 3 4. Flood plain management;
- 4 5. State water/wastewater loans and grants revolving fund and
5 other related financial aid programs;
- 6 6. Administration of the federal State Revolving Fund Program
7 including, but not limited to, making application for and receiving
8 capitalization grant awards, wastewater prioritization for funding,
9 technical project reviews, environmental review process, and
10 financial review and administration;
- 11 7. Water well drillers/pump installers licensing;
- 12 8. Technical lead agency for clean lakes eligible for funding
13 under Section 314 of the federal Clean Water Act or other applicable
14 sections of the federal Clean Water Act or other subsequent state
15 and federal clean lakes programs; administration of a state program
16 for assessing, monitoring, studying and restoring Oklahoma lakes
17 with administration to include, but not be limited to, receipt and
18 expenditure of funds from federal, state and private sources for
19 clean lakes and implementation of a volunteer monitoring program to
20 assess and monitor state water resources, provided such funds from
21 federal Clean Water Act sources are administered and disbursed by
22 the Office of the Secretary of Environment;
- 23 9. Except as set forth in paragraph 22 of subsection B of this
24 section, statewide water quality standards and their accompanying

1 use support assessment protocols, anti-degradation policy and
2 implementation, and policies generally affecting Oklahoma Water
3 Quality Standards application and implementation including but not
4 limited to mixing zones, low flows and variances or any modification
5 or change thereof pursuant to Section 1085.30 of Title 82 of the
6 Oklahoma Statutes;

7 10. Groundwater protection for activities subject to the
8 jurisdictional areas of environmental responsibility of the Board;

9 11. Development and promulgation of a Water Quality Standards
10 Implementation Plan pursuant to Section 1-1-202 of this title for
11 its jurisdictional area of environmental responsibility;

12 12. Development of classifications and identification of
13 permitted uses of groundwater, in recognized water rights, and
14 associated groundwater recharge areas;

15 13. Establishment and implementation of a statewide beneficial
16 use monitoring program for waters of the state in coordination with
17 the other state environmental agencies;

18 14. Coordination with other state environmental agencies and
19 other public entities of water resource investigations conducted by
20 the federal United States Geological Survey for water quality and
21 quantity monitoring in the state; and

22 15. Development and submission of a report concerning the
23 status of water quality monitoring in this state pursuant to Section
24 1-1-202 of this title.

1 D. Oklahoma Department of Agriculture, Food, and Forestry.

2 1. The Oklahoma Department of Agriculture, Food, and Forestry
3 shall have the following jurisdictional areas of environmental
4 responsibility except as provided in paragraph 2 of this subsection:

- 5 a. point source discharges and nonpoint source runoff
6 from agricultural crop production, agricultural
7 services, livestock production, silviculture, feed
8 yards, livestock markets and animal waste,
- 9 b. pesticide control,
- 10 c. forestry and nurseries,
- 11 d. fertilizer,
- 12 e. facilities which store grain, feed, seed, fertilizer
13 and agricultural chemicals,
- 14 f. dairy waste and wastewater associated with milk
15 production facilities,
- 16 g. groundwater protection for activities subject to the
17 jurisdictional areas of environmental responsibility
18 of the Department,
- 19 h. utilization and enforcement of Oklahoma Water Quality
20 Standards and implementation documents,
- 21 i. development and promulgation of a Water Quality
22 Standards Implementation Plan pursuant to Section 1-1-
23 202 of this title for its jurisdictional areas of
24 environmental responsibility, and

1 j. storm water discharges for activities subject to the
2 jurisdictional areas of environmental responsibility
3 of the Department.

4 2. In addition to the jurisdictional areas of environmental
5 responsibility specified in subsection B of this section, the
6 Department of Environmental Quality shall have environmental
7 jurisdiction over:

8 a. (1) commercial manufacturers of fertilizers, grain
9 and feed products, and chemicals, and over
10 manufacturing of food and kindred products,
11 tobacco, paper, lumber, wood, textile mill and
12 other agricultural products,

13 (2) slaughterhouses, but not including feedlots at
14 these facilities, and

15 (3) aquaculture and fish hatcheries,
16 including, but not limited to, discharges of
17 pollutants and storm water to waters of the state,
18 surface impoundments and land application of wastes
19 and sludge, and other pollution originating at these
20 facilities, and

21 b. facilities which store grain, feed, seed, fertilizer,
22 and agricultural chemicals that are required by
23 federal NPDES regulations to obtain a permit for storm
24 water discharges shall only be subject to the

1 jurisdiction of the Department of Environmental
2 Quality with respect to such storm water discharges.

3 E. Corporation Commission.

4 1. The Corporation Commission is hereby vested with exclusive
5 jurisdiction, power and authority, and it shall be its duty to
6 promulgate and enforce rules, and issue and enforce orders governing
7 and regulating:

- 8 a. the conservation of oil and gas,
- 9 b. field operations for geologic and geophysical
10 exploration for oil, gas and brine, including seismic
11 survey wells, stratigraphic test wells and core test
12 wells,
- 13 c. the exploration, drilling, development, producing or
14 processing for oil and gas on the lease site,
- 15 d. the exploration, drilling, development, production and
16 operation of wells used in connection with the
17 recovery, injection or disposal of mineral brines,
- 18 e. reclaiming facilities only for the processing of salt
19 water, crude oil, natural gas condensate and tank
20 bottoms or basic sediment from crude oil tanks,
21 pipelines, pits and equipment associated with the
22 exploration, drilling, development, producing or
23 transportation of oil or gas,

1 f. underground injection control pursuant to the federal
2 Safe Drinking Water Act and 40 CFR Parts 144 through
3 148, of:

4 (1) Class II injection wells,

5 (2) Class V injection wells utilized in the
6 remediation of groundwater associated with
7 underground or aboveground storage tanks
8 regulated by the Commission,

9 (3) those wells used for the recovery, injection or
10 disposal of mineral brines as defined in the
11 Oklahoma Brine Development Act, and

12 (4) any aspect of any CO2 sequestration facility,
13 including any associated CO2 injection well, over
14 which the Commission is given jurisdiction
15 pursuant to the Oklahoma Carbon Capture and
16 Geologic Sequestration Act.

17 Any substance that the United States Environmental
18 Protection Agency allows to be injected into a Class
19 II well may continue to be so injected,

20 g. tank farms for storage of crude oil and petroleum
21 products which are located outside the boundaries of
22 refineries, petrochemical manufacturing plants,
23 natural gas liquid extraction plants, or other
24 facilities which are subject to the jurisdiction of

1 the Department of Environmental Quality with regard to
2 point source discharges,

3 h. the construction and operation of pipelines and
4 associated rights-of-way, equipment, facilities or
5 buildings used in the transportation of oil, gas,
6 petroleum, petroleum products, anhydrous ammonia or
7 mineral brine, or in the treatment of oil, gas or
8 mineral brine during the course of transportation but
9 not including line pipes in any:

10 (1) natural gas liquids extraction plant,

11 (2) refinery,

12 (3) reclaiming facility other than for those
13 specified within subparagraph e of this
14 subsection,

15 (4) mineral brine processing plant, and

16 (5) petrochemical manufacturing plant,

17 i. the handling, transportation, storage and disposition
18 of saltwater, mineral brines, waste oil and other
19 deleterious substances produced from or obtained or
20 used in connection with the drilling, development,
21 producing and operating of oil and gas wells, at:

22 (1) any facility or activity specifically listed in
23 paragraphs 1 and 2 of this subsection as being
24

1 subject to the jurisdiction of the Commission,
2 and

3 (2) other oil and gas extraction facilities and
4 activities,

5 j. spills of deleterious substances associated with
6 facilities and activities specified in paragraph 1 of
7 this subsection or associated with other oil and gas
8 extraction facilities and activities,

9 k. subsurface storage of oil, natural gas and liquefied
10 petroleum gas in geologic strata,

11 l. groundwater protection for activities subject to the
12 jurisdictional areas of environmental responsibility
13 of the Commission,

14 m. utilization and enforcement of Oklahoma Water Quality
15 Standards and implementation documents, and

16 n. development and promulgation of a Water Quality
17 Standards Implementation Plan pursuant to Section 1-1-
18 202 of this title for its jurisdictional areas of
19 environmental responsibility.

20 2. The exclusive jurisdiction, power and authority of the
21 Commission shall also extend to the construction, operation,
22 maintenance, site remediation, closure and abandonment of the
23 facilities and activities described in paragraph 1 of this
24 subsection.

1 3. When a deleterious substance from a Commission-regulated
2 facility or activity enters a point source discharge of pollutants
3 or storm water from a facility or activity regulated by the
4 Department of Environmental Quality, the Department shall have sole
5 jurisdiction over the point source discharge of the commingled
6 pollutants and storm water from the two facilities or activities
7 insofar as Department-regulated facilities and activities are
8 concerned.

9 4. The Commission and the Department of Environmental Quality
10 are hereby authorized to obtain authorization from the Environmental
11 Protection Agency to administer, within their respective
12 jurisdictions, any and all programs regulating oil and gas
13 discharges into the waters of this state. For purposes of the
14 federal Clean Water Act, any facility or activity which is subject
15 to the jurisdiction of the Commission pursuant to paragraph 1 of
16 this subsection and any other oil and gas extraction facility or
17 activity which requires a permit for the discharge of a pollutant or
18 storm water to waters of the United States shall be subject to the
19 direct jurisdiction and permitting authority of the Oklahoma agency
20 having received delegation of this program from the Environmental
21 Protection Agency.

22 5. The Commission shall have jurisdiction over:

- 23 a. underground storage tanks that contain antifreeze,
24 motor oil, motor fuel, gasoline, kerosene, diesel, or

1 aviation fuel and that are not located at refineries
2 or at the upstream or intermediate shipment points of
3 pipeline operations, including, but not limited to,
4 tanks from which these materials are dispensed into
5 vehicles, or tanks used in wholesale or bulk
6 distribution activities, as well as leaks from pumps,
7 hoses, dispensers, and other ancillary equipment
8 associated with the tanks, whether above the ground or
9 below; provided, that any point source discharge of a
10 pollutant to waters of the United States during site
11 remediation or the off-site disposal of contaminated
12 soil, media, or debris shall be regulated by the
13 Department of Environmental Quality,

- 14 b. aboveground storage tanks that contain antifreeze,
15 motor oil, motor fuel, gasoline, kerosene, diesel, or
16 aviation fuel and that are not located at refineries
17 or at the upstream or intermediate shipment points of
18 pipeline operations including, but not limited to,
19 tanks from which these materials are dispensed into
20 vehicles, or tanks used in wholesale or bulk
21 distribution activities, as well as leaks from pumps,
22 hoses, dispensers, and other ancillary equipment
23 associated with the tanks, whether above the ground or
24 below; provided, that any point source discharge of a

1 pollutant to waters of the United States during site
2 remediation or the off-site disposal of contaminated
3 soil, media, or debris shall be regulated by the
4 Department of Environmental Quality, and

- 5 c. the Petroleum Storage Tank Release Environmental
6 Cleanup Indemnity Fund, the Oklahoma Petroleum Storage
7 Tank Release Indemnity Program, and the Oklahoma
8 Leaking Underground Storage Tank Trust Fund.

9 6. The Department of Environmental Quality shall have sole
10 jurisdiction to regulate the transportation, discharge or release of
11 deleterious substances or solid or hazardous waste or other
12 pollutants from rolling stock and rail facilities. The Department
13 of Environmental Quality shall not have any jurisdiction with
14 respect to pipeline transportation of carbon dioxide.

15 7. The Department of Environmental Quality shall have sole
16 environmental jurisdiction for point and nonpoint source discharges
17 of pollutants and storm water to waters of the state from:

- 18 a. refineries, petrochemical manufacturing plants and
19 natural gas liquid extraction plants,
- 20 b. manufacturing of equipment and products related to oil
21 and gas,
- 22 c. bulk terminals, aboveground and underground storage
23 tanks not subject to the jurisdiction of the
24 Commission pursuant to this subsection, and

1 d. other facilities, activities and sources not subject
2 to the jurisdiction of the Commission or the Oklahoma
3 Department of Agriculture, Food, and Forestry as
4 specified by this section.

5 8. The Department of Environmental Quality shall have sole
6 environmental jurisdiction to regulate air emissions from all
7 facilities and sources subject to operating permit requirements
8 under Title V of the federal Clean Air Act as amended.

9 F. Oklahoma Conservation Commission. The Oklahoma Conservation
10 Commission shall have the following jurisdictional areas of
11 environmental responsibility:

12 1. Soil conservation, erosion control and nonpoint source
13 management except as otherwise provided by law;

14 2. Monitoring, evaluation and assessment of waters to determine
15 the condition of streams and rivers being impacted by nonpoint
16 source pollution. In carrying out this area of responsibility, the
17 Oklahoma Conservation Commission shall serve as the technical lead
18 agency for nonpoint source categories as defined in Section 319 of
19 the federal Clean Water Act or other subsequent federal or state
20 nonpoint source programs, except for activities related to
21 industrial and municipal storm water or as otherwise provided by
22 state law;

23 3. Wetlands strategy;

24 4. Abandoned mine reclamation;

- 1 5. Cost-share program for land use activities;
- 2 6. Assessment and conservation plan development and
3 implementation in watersheds of clean lakes, as specified by law;
- 4 7. Complaint data management;
- 5 8. Coordination of environmental and natural resources
6 education;
- 7 9. Federal upstream flood control program;
- 8 10. Groundwater protection for activities subject to the
9 jurisdictional areas of environmental responsibility of the
10 Commission;
- 11 11. Development and promulgation of a Water Quality Standards
12 Implementation Plan pursuant to Section 1-1-202 of this title for
13 its jurisdictional areas of environmental responsibility;
- 14 12. Utilization of Oklahoma Water Quality Standards and
15 Implementation documents; and
- 16 13. Verification and certification of carbon sequestration
17 pursuant to the Oklahoma Carbon Sequestration Enhancement Act. This
18 responsibility shall not be superseded by the Oklahoma Carbon
19 Capture and Geologic Sequestration Act.
- 20 G. Department of ~~Mines~~ Environmental Quality. The Department
21 of ~~Mines~~ Environmental Quality shall also have the following
22 jurisdictional areas of environmental responsibility:
 - 23 1. Mining regulation;
 - 24 2. Mining reclamation of active mines;

1 3. Groundwater protection for activities subject to the
2 jurisdictional areas of environmental responsibility of the
3 Commission; and

4 4. Development and promulgation of a Water Quality Standards
5 Implementation Plan pursuant to Section 1-1-202 of this title for
6 its jurisdictional areas of responsibility.

7 H. Department of Wildlife Conservation. The Department of
8 Wildlife Conservation shall have the following jurisdictional areas
9 of environmental responsibilities:

10 1. Investigating wildlife kills;

11 2. Wildlife protection and seeking wildlife damage claims; and

12 3. Development and promulgation of a Water Quality Standards
13 Implementation Plan pursuant to Section 1-1-202 of this title for
14 its jurisdictional areas of environmental responsibility.

15 I. Department of Public Safety. The Department of Public
16 Safety shall have the following jurisdictional areas of
17 environmental responsibilities:

18 1. Hazardous waste, substances and material transportation
19 inspections as authorized by the Hazardous Materials Transportation
20 Act; and

21 2. Inspection and audit activities of hazardous waste and
22 materials carriers and handlers as authorized by the Hazardous
23 Materials Transportation Act.

24

1 J. Department of Labor. The Department of Labor shall have the
2 following jurisdictional areas of environmental responsibility:

3 1. Regulation of asbestos in the workplace pursuant to Chapter
4 11 of Title 40 of the Oklahoma Statutes;

5 2. Asbestos monitoring in public and private buildings; and

6 3. Indoor air quality as regulated under the authority of the
7 Oklahoma Occupational Health and Safety Standards Act, except for
8 those indoor air quality issues specifically authorized to be
9 regulated by another agency.

10 Such programs shall be a function of the Department's
11 occupational safety and health jurisdiction.

12 K. Oklahoma Department of Emergency Management. The Oklahoma
13 Department of Emergency Management shall have the following
14 jurisdictional areas of environmental responsibilities:

15 1. Coordination of all emergency resources and activities
16 relating to threats to citizens' lives and property pursuant to the
17 Oklahoma Emergency Resources Management Act of 1967;

18 2. Administer and enforce the planning requirements of Title
19 III of the Superfund Amendments and Reauthorization Act of 1986 and
20 develop such other emergency operations plans that will enable the
21 state to prepare for, respond to, recover from and mitigate
22 potential environmental emergencies and disasters pursuant to the
23 Oklahoma Hazardous Materials Planning and Notification Act;

24

1 3. Administer and conduct periodic exercises of emergency
2 operations plans provided for in this subsection pursuant to the
3 Oklahoma Emergency Resources Management Act of 1967;

4 4. Administer and facilitate hazardous materials training for
5 state and local emergency planners and first responders pursuant to
6 the Oklahoma Emergency Resources Management Act of 1967; and

7 5. Maintain a computerized emergency information system
8 allowing state and local access to information regarding hazardous
9 materials' location, quantity and potential threat.

10 SECTION 4. AMENDATORY 27A O.S. 2021, Section 2-1-102, is
11 amended to read as follows:

12 Section 2-1-102. As used in the Oklahoma Environmental Quality
13 Code:

14 1. "Administrative hearing" means an individual proceeding,
15 held by the Department when authorized by the provisions of this
16 Code and conducted pursuant to the Administrative Procedures Act,
17 this Code and rules promulgated thereunder, for a purpose specified
18 by this Code. "Administrative hearing" includes "administrative
19 permit hearing", "enforcement hearing" and "administrative
20 enforcement hearing" within the context of this Code. An
21 "administrative hearing" shall be a quasi-judicial proceeding;

22 2. "Administrative Procedures Act" means the Oklahoma
23 Administrative Procedures Act;

24 3. "Board" means the Environmental Quality Board;

1 4. "Code" means Chapter 2 of this title;

2 5. "Department" means the Department of Environmental Quality;

3 6. "Enforcement hearing" means an individual proceeding
4 conducted pursuant to the Administrative Procedures Act, this Code
5 and rules promulgated thereunder, for the purpose of enforcing the
6 provisions of this Code, rules promulgated thereunder and orders,
7 permits or licenses issued pursuant thereto. The term
8 "administrative hearing" shall mean the same as "enforcement
9 hearing" when held for enforcement purposes. An "enforcement
10 hearing" shall be a quasi-judicial proceeding;

11 7. "Environment" includes the air, land, wildlife, and waters
12 of the state;

13 8. "Executive Director" means the Executive Director of the
14 Department of Environmental Quality;

15 9. "Industrial wastewater treatment permit" shall mean permits
16 issued by the Department after July 1, 1993, under Section 2-6-501
17 of Title 27A of the Oklahoma Statutes, and waste disposal permits
18 issued on or before June 30, 1993, by the Oklahoma Water Resources
19 Board for land application of industrial waste or surface
20 impoundments or disposal systems for industrial waste or wastewater;

21 10. "Nonpoint source" means the contamination of the
22 environment with a pollutant for which the specific point of origin
23 may not be well defined;

24

1 11. "Person" means an individual, association, partnership,
2 firm, company, public trust, corporation, joint-stock company,
3 trust, estate, municipality, state or federal agency, other
4 governmental entity, any other legal entity or an agent, employee,
5 representative, assignee or successor thereof;

6 12. "Pollution" means the presence in the environment of any
7 substance, contaminant or pollutant, or any other alteration of the
8 physical, chemical or biological properties of the environment or
9 the release of any liquid, gaseous or solid substance into the
10 environment in quantities which are or will likely create a nuisance
11 or which render or will likely render the environment harmful or
12 detrimental or injurious to public health, safety or welfare, or to
13 domestic, commercial, industrial, agricultural, recreational, or
14 other legitimate beneficial uses, or to livestock, wild animals,
15 birds, fish or other aquatic life, or to property;

16 13. "Public meeting" means a formal public forum, held by the
17 Department when authorized by the provisions of this Code, and
18 conducted by a presiding officer pursuant to the requirements of
19 this Code and rules promulgated thereunder, at which an opportunity
20 is provided for the presentation of oral and written views within
21 reasonable time limits as determined by the presiding officer.
22 Views expressed at a "public meeting" shall be limited to the topic
23 or topics specified by this Code for such meeting. "Public meeting"
24 shall mean a "public hearing" when held pursuant to requirements of

1 the Code of Federal Regulations or the Oklahoma Pollutant Discharge
2 Elimination System Act, and shall be synonymous with "formal public
3 meeting" and "informal public meeting" as used within the context of
4 this Code and rules promulgated thereunder. A "public meeting"
5 shall not be a quasi-judicial proceeding;

6 14. "State environmental agency" includes the:

7 a. Oklahoma Water Resources Board,

8 b. Oklahoma Corporation Commission,

9 c. State Department of Agriculture,

10 d. Oklahoma Conservation Commission,

11 e. Department of Wildlife Conservation,

12 f. ~~Department of Mines,~~

13 ~~g.~~ Department of Public Safety,

14 ~~h.~~ g. Department of Labor,

15 ~~i.~~ h. Department of Environmental Quality, and

16 ~~j.~~ i. Department of Civil Emergency Management; and

17 15. "Waters of the state" means all streams, lakes, ponds,
18 marshes, watercourses, waterways, wells, springs, irrigation
19 systems, drainage systems, storm sewers and all other bodies or
20 accumulations of water, surface and underground, natural or
21 artificial, public or private, which are contained within, flow
22 through, or border upon this state or any portion thereof, and shall
23 include under all circumstances the waters of the United States
24

1 which are contained within the boundaries of, flow through or border
2 upon this state or any portion thereof.

3 SECTION 5. AMENDATORY 27A O.S. 2021, Section 2-3-110, is
4 amended to read as follows:

5 Section 2-3-110. A. The Department of Environmental Quality
6 Executive Director shall submit an application to the Speaker of the
7 House of Representatives and the President Pro Tempore of the Senate
8 for the sale of the headquarters building and connected
9 appurtenances of the Department located at 707 N. Robinson in
10 downtown Oklahoma City. The Commissioners of the Land Office shall
11 be responsible for the sale of the building. The funds from the
12 sale of the building shall be deposited in the Commissioners of the
13 Land Office Revolving Fund created pursuant to Section 1011 of Title
14 64 of the Oklahoma Statutes. However, the sale of the building
15 shall not proceed if the Commissioners of the Land Office determine
16 the proceeds offered for the building are not financially
17 sufficient.

18 B. The Department of Environmental Quality, Oklahoma Tourism
19 and Recreation Department, State Department of Health, Oklahoma Tax
20 Commission, Oklahoma Water Resources Board, and Oklahoma Department
21 of Labor ~~and Department of Mines~~, in addition to the other powers
22 and duties vested by Oklahoma law, shall be authorized to relocate
23 agency offices to a site in Oklahoma County including but not
24 limited to buildings or units, as defined by the Unit Ownership

1 Estate Act provided in Section 503 of Title 60 of the Oklahoma
2 Statutes, owned by the Commissioners of the Land Office.

3 C. The new office location or locations shall be occupied by
4 the Department of Environmental Quality, Oklahoma Tourism and
5 Recreation Department, State Department of Health, Oklahoma Tax
6 Commission, Oklahoma Water Resources Board, and Oklahoma Department
7 of Labor ~~and Department of Mines~~ and shall consist of sufficient
8 square footage to accommodate staff offices, program areas, staff
9 conference areas, records and computer areas, general storage areas,
10 security equipment storage areas, main room, reception areas and
11 other necessary areas for operation of the state agencies.

12 D. The Department of Environmental Quality, Oklahoma Tourism
13 and Recreation Department, State Department of Health, Oklahoma Tax
14 Commission, Oklahoma Water Resources Board, and Oklahoma Department
15 of Labor ~~and Department of Mines~~ are authorized to purchase real
16 estate including but not limited to buildings or units, for no more
17 than appraised value or, in the alternative, the Executive Director
18 of the Department of Environmental Quality, Executive Director of
19 the Oklahoma Tourism and Recreation Department, Oklahoma Tax
20 Commission, Oklahoma Water Resources Board, and Commissioner of
21 Labor ~~and Oklahoma Mining Commission~~ are authorized to enter into a
22 lease-purchase agreement for the acquisition of such buildings or
23 units from the person or entity that will develop or build the
24 buildings or units. In order to maintain the value of the purchased

1 or lease-purchase property, each state agency identified in this
2 section may establish a Capital Account Fund for the purpose of
3 paying any proportionate share of common area maintenance, repair
4 and maintenance of agency unit(s), fixtures and appliances contained
5 therein, improvements and betterments for agency unit(s) and all
6 required maintenance and repair work. The fund shall be a
7 continuing fund, not subject to fiscal year limitations, and shall
8 consist of monies transferred from the agency's standard
9 appropriations. All monies accruing to the credit of the fund are
10 hereby appropriated and may be budgeted and expended by the agency
11 for the purpose described in this section. For the purposes of the
12 purchase or build-out of the new office location, the state agencies
13 identified in this section are hereby exempted from the requirements
14 of the Public Competitive Bidding Act of 1974 as provided in
15 Sections 101 through 139 of Title 61 of the Oklahoma Statutes. The
16 state agencies identified in this section shall, either individually
17 or through the Commissioners of the Land Office, be required to
18 collect multiple bids from qualified contractors for the build-out
19 of new office locations.

20 SECTION 6. AMENDATORY 27A O.S. 2021, Section 2-6-111, is
21 amended to read as follows:

22 Section 2-6-111. A. For purposes of this section, a "subject
23 mine" shall mean a mine, as defined in paragraph 2 of Section 723 of
24 Title 45 of the Oklahoma Statutes, proposed for a location overlying

1 a sensitive sole source groundwater basin or subbasin, exclusive of
2 any mine that meets at least one of the following conditions:

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

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

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

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

14 B. Due to the inadequacy of existing technical resources,
15 analytic tools and regulatory systems for purposes of the effective
16 implementation of statutes relating to the operation of mines that
17 overlies a sensitive sole source groundwater basin or subbasin, the
18 Legislature hereby declares and establishes a moratorium on the
19 Department of Environmental Quality permitting of any discharge from
20 a subject mine to streams fed or supported by water emanating from
21 sensitive sole source groundwater basins or subbasins.

22 C. The moratorium shall remain in effect until such time as:

23 1. The conditions of subsection C of Section ~~3~~ 1020.9C of ~~this~~
24 ~~act~~ Title 82 of the Oklahoma Statutes have been satisfied; and

1 2. The Department of Environmental Quality promulgates final
2 rules to provide for effective interagency consultation and
3 coordination of activities among the Department, and the Oklahoma
4 Water Resources Board ~~and the Department of Mines~~ on all
5 administrative matters relating to the operation of mines at
6 locations that overlie a sensitive sole source groundwater basin or
7 subbasin.

8 D. Notwithstanding the moratorium, the Department of
9 Environmental Quality may issue any new permits, permit
10 modifications, permit amendments, permit revisions or permit
11 renewals necessary to maintain compliance or remedy identified
12 compliance issues pursuant to ~~Title 27A of the Oklahoma Statutes~~
13 this title to operators of any mines lawfully engaged in mining, as
14 defined in paragraph 3 of Section 723 of Title 45 of the Oklahoma
15 Statutes.

16 E. The Department of Environmental Quality is hereby authorized
17 and instructed to promulgate rules to implement the provisions of
18 this section.

19 F. The Department of Environmental Quality is hereby authorized
20 to cooperate with federal, tribal and any other agency in this state
21 in performing its responsibilities under this section.

22 SECTION 7. AMENDATORY 27A O.S. 2021, Section 4-1-102, is
23 amended to read as follows:

24

1 Section 4-1-102. For purposes of the Oklahoma Emergency
2 Response Act:

3 1. "State environmental agency" includes:

4 a. the Oklahoma Water Resources Board,

5 b. the Corporation Commission,

6 c. the State Department of Agriculture,

7 d. the Oklahoma Conservation Commission,

8 e. the Department of Wildlife Conservation,

9 f. ~~the Department of Mines and Mining,~~

10 ~~g.~~ the Department of Public Safety,

11 ~~h.~~ g. the Department of Labor,

12 ~~i.~~ h. the Department of Environmental Quality, and

13 ~~j.~~ i. the Department of Civil Emergency Management;

14 2. "Lead official" means the person designated by the contact
15 agency to be the official in charge of the on-site management of the
16 emergency;

17 3. "Emergency" means a sudden and unforeseeable occurrence or
18 condition either as to its onset or as to its extent, of such
19 severity or magnitude that immediate emergency response or action is
20 necessary to preserve the health and safety of the public or
21 environment or to preserve property;

22 4. "Dangerous substance" means explosives, gases, flammable
23 liquids and solids, poisons, radioactive materials, hazardous
24 materials, deleterious substances, oil, or other substance or

1 material in a quantity or form capable of posing an unreasonable
2 risk to public health and safety, property or to the environment;

3 5. "Release" means a leakage, seepage, discharge, emission or
4 escaping of a dangerous substance into the environment of the state;

5 6. "Extreme emergency" means any emergency which requires
6 immediate protective actions;

7 7. "Protective actions" are those steps deemed necessary by
8 first responders to an extreme emergency to preserve the health and
9 safety of the emergency responders, the public and the protection of
10 the environment and property during an incident involving the
11 release of a dangerous substance. Protective actions include but
12 are not limited to area isolation, evacuation, dilution, cooling,
13 encapsulation, chemical treatment and diking;

14 8. "First responder" means the first person to arrive at the
15 scene of an incident involving the release of a dangerous substance
16 who has the authority by virtue of that person's position as a local
17 law enforcement officer, peace officer, fire protection officer or
18 Oklahoma Highway Patrol Officer or other law enforcement officer;

19 9. "Contact agency" means a municipality, fire department or
20 the Oklahoma Highway Patrol as determined by the location of an
21 incident as follows:

	Location	Contact Agency
22		
23	a. Inside corporate municipal	Municipal Fire
24	limits	Department

- 1 b. Outside corporate Closest Municipal
2 limits on private property Fire Department
3 c. Outside corporate limits Oklahoma Highway
4 on federal/state highway, Patrol;
5 public property, county road,
6 or a railroad;

7 10. "Responsible party" means any person who owned, operated,
8 or otherwise controlled activities at the facility at the time the
9 incident or event involving releases of dangerous substances
10 requiring protective actions occurred; and

11 11. "Facility" means:

- 12 a. any building, structure, installation, equipment, pipe
13 or pipeline, including any pipe into a sewer or
14 publicly owned treatment works, well, pit, pond,
15 lagoon, impoundment, ditch, landfill, storage
16 container, motor vehicle, rolling stock, or aircraft,
17 or
18 b. any site or area where a hazardous substance has been
19 deposited, stored, disposed of, or placed, or
20 otherwise came to be located, or
21 c. any vessel, including every description of watercraft
22 or other artificial conveyance used, or capable of
23 being used, as a means of transportation on water.
24

1 SECTION 8. AMENDATORY 29 O.S. 2021, Section 7-401a, is
2 amended to read as follows:

3 Section 7-401a. A. Any person, firm or corporation who
4 violates any provision of or fails to perform any duty imposed by a
5 state environmental regulatory agency pursuant to the Oklahoma
6 Statutes or rules promulgated thereto, which violation causes the
7 death of fish or other wildlife, shall in addition to the penalties
8 provided by law be liable to pay the state an amount equal to the
9 sum of money reasonably necessary to restock such waters. Such
10 liability shall include replacement cost of fish killed, based on
11 the most recent fish values as officially published by the American
12 Fishery Society, Southern Division, all other costs required for
13 such restocking, including but not limited to shipment and handling,
14 or replenish such wildlife and all cost incurred in investigating,
15 locating or establishing the responsible person, firm or corporation
16 as determined by the Oklahoma Wildlife Conservation Commission.

17 B. Such amount may be recovered by a state environmental
18 regulatory agency on behalf of the state in a civil action brought
19 in the district court with all such monies being provided to the
20 Oklahoma Wildlife Conservation Commission. The Oklahoma Wildlife
21 Conservation Commission shall reimburse the state environmental
22 regulatory agency issuing the violation for all expenses incurred.

23 C. For purposes of this section, a "state environmental
24 regulatory agency" is defined as the State Department of

1 Agriculture, the Oklahoma Corporation Commission, the Department of
2 Environmental Quality, ~~the Department of Mines~~ and the Department of
3 Public Safety.

4 SECTION 9. AMENDATORY 45 O.S. 2021, Section 1.2, is
5 amended to read as follows:

6 Section 1.2 A. Whenever the ~~Board~~ Department of Environmental
7 Quality determines there are reasonable grounds to believe there has
8 been a violation of any order of the ~~Board~~ Department adopted
9 pursuant to Title 45 of the Oklahoma Statutes, it shall give written
10 notice to the alleged violator specifying the cause of the
11 complaint. Such notice shall require that the matters complained of
12 be corrected within a specified time or that the alleged violator
13 appear before the ~~Board~~ Department at a time and place specified in
14 the notice to answer the charges. The notice shall be delivered to
15 the alleged violator in accordance with the provisions of subsection
16 C of this section not less than twenty (20) days before the time set
17 for the hearing.

18 B. The ~~Board~~ Department shall afford the alleged violator an
19 opportunity for a hearing in conformity with the Administrative
20 Procedures Act. On the basis of the evidence produced at the
21 hearing, the ~~Board~~ Department shall make findings of fact and
22 conclusions of law and enter an order thereon. The ~~Board~~ Department
23 shall give written notice of such order to the alleged violator.
24 The order of the ~~Board~~ Department shall become final and binding on

1 all parties unless appealed to the district court within thirty (30)
2 days after notice of such order has been sent to the parties.

3 C. Any notice, order or other instrument issued by the ~~Board~~
4 Department pursuant to this section may be served either personally,
5 by publication, or by mailing a copy by registered mail directed to
6 the alleged violator at his last-known address as shown by the files
7 or records of the ~~Board~~ Department. Proof of such service shall be
8 filed in the office of the ~~Board~~ Department.

9 D. Unless otherwise specified by law, any person who violates
10 any of the provisions of Title 45 of the Oklahoma Statutes or who
11 violates any order or determination of the ~~Board~~ Department
12 promulgated pursuant to this section shall be guilty of a
13 misdemeanor and in addition thereto may be enjoined from continuing
14 such violation. Each day upon which such violation occurs shall
15 constitute a separate violation.

16 The Attorney General, on the request of the ~~Board~~ Department,
17 shall bring an action against any person violating any order or
18 determination of the ~~Board~~ Department adopted pursuant to Title 45
19 of the Oklahoma Statutes.

20 SECTION 10. AMENDATORY 45 O.S. 2021, Section 1.3, is
21 amended to read as follows:

22 Section 1.3 A. All hearings required by the ~~Board~~ Department
23 of Environmental Quality may be conducted by the ~~Board~~ Department
24 itself at a regular or special meeting of the ~~Board~~ Department or

1 the ~~Board~~ Department may designate hearing officers who shall have
2 the power and authority to conduct such hearings in the name of the
3 ~~Board~~ Department at any time and place.

4 B. Any person aggrieved by a final order or other final
5 determination of the ~~Board~~ Department may, or the Attorney General
6 on behalf of the state may, petition for a judicial review for
7 rehearing, reopening or reconsideration of the matter, as provided
8 for in Section 317 of Title 75 of the Oklahoma Statutes.

9 SECTION 11. AMENDATORY 45 O.S. 2021, Section 1.4, is
10 amended to read as follows:

11 Section 1.4 The ~~Chief Mine Inspector~~ Executive Director of the
12 Department of Environmental Quality or his or her duly authorized
13 representative shall have the power to enter at reasonable times
14 upon any private or public property for the purpose of inspecting
15 and investigating conditions relating to the health and safety of
16 anyone employed in a mine in this state or to carry out its duties
17 as required by this title.

18 The ~~Board~~ Department of Environmental Quality may require the
19 maintenance of records relating to mining. Copies of such records
20 shall be submitted to the ~~Board~~ Department on request.

21 SECTION 12. AMENDATORY 45 O.S. 2021, Section 1.5, is
22 amended to read as follows:

23 Section 1.5 The ~~Board~~ Department of Environmental Quality shall
24 adopt within one hundred and eighty (180) days of ~~the effective date~~

1 ~~of this act~~ October 11, 1982, rules and regulations governing
2 ventilation, underground haulage, hoisting operations, explosives,
3 and such other regulations it may deem necessary to protect the
4 health and safety of persons employed in the mines of this state.

5 SECTION 13. AMENDATORY 45 O.S. 2021, Section 1a, is
6 amended to read as follows:

7 Section 1a. A. ~~The Oklahoma Mining Commission~~ Department of
8 Environmental Quality shall be the policy-determining agency for the
9 ~~Department~~ Division of Mines and shall determine the broad plans and
10 programs for the accomplishment of duties and responsibilities
11 vested by law in said ~~Commission, the Chief Mine Inspector~~
12 Department and the ~~Department~~ Division of Mines, and may ~~in the~~
13 ~~absence of an appointed Chief Mine Inspector,~~ fix the duties and
14 responsibilities of personnel employed by the ~~Department~~ Division of
15 Mines including, ~~in the absence of an appointed Chief Mine~~
16 ~~Inspector,~~ the Division Director of the ~~Department~~ Division of
17 Mines. ~~It~~ The Department shall have the authority to delegate ~~to~~
18 ~~its chairman,~~ to one or more agents or employees, such powers and
19 duties as it may deem proper. ~~Each member of the Commission shall~~
20 ~~be reimbursed for actual and necessary travel expenses necessarily~~
21 ~~incurred in the discharge of official duties as provided in the~~
22 ~~State Travel Reimbursement Act.~~

23
24

1 B. In addition to other powers and duties specified by law, the
2 ~~Oklahoma Mining Commission~~ Department of Environmental Quality shall
3 have the power and duty to:

4 1. Acquire by gift, devise, purchase or otherwise, absolutely
5 or in trust, and to hold and, unless otherwise restricted by the
6 terms of the gift or devise, any real property or real estate or
7 other interest therein as may be necessary in carrying into effect
8 the purpose of this act-; and

9 2. Enter into contracts and to execute all instruments
10 necessary to fulfill its duties, respecting the protection,
11 preservation, maintenance and operation of such buildings and sites
12 as it may select.

13 SECTION 14. AMENDATORY 45 O.S. 2021, Section 1b, is
14 amended to read as follows:

15 Section 1b. The chief executive officer of the ~~Department~~
16 Division of Mines shall be the ~~Chief Mine Inspector~~ Division
17 Director. ~~In the absence of an appointed Chief Mine Inspector the~~
18 ~~chief executive officer shall be the Director who shall be appointed~~
19 ~~by the Oklahoma Mining Commission and who shall serve at the~~
20 ~~pleasure of said Commission and fix his or her duties and~~
21 ~~compensation.~~ The Division Director shall be chosen with regard to
22 his or her knowledge, training, experience and ability in
23 administering the functions of the ~~Department~~ Division of Mines. No
24 person shall be appointed Division Director who has not been a

1 resident and a qualified elector of this state for a period of at
2 least three (3) years preceding appointment. The term "Chief Mine
3 Inspector" appearing in the Oklahoma Statutes shall mean the
4 "Division Director of the Division of Mines".

5 SECTION 15. AMENDATORY 45 O.S. 2021, Section 1c, is
6 amended to read as follows:

7 Section 1c. Subject to the policies, rules and regulations of
8 the ~~Oklahoma Mining Commission~~ Department of Environmental Quality,
9 the Executive Director of the Department of Environmental Quality
10 shall:

11 1. Be responsible for organizing the ~~Department~~ Division of
12 Mines in a manner efficiently to achieve the objectives of the
13 ~~Commission~~ Department with regard to the Division;

14 2. Prepare and submit plans for administering the programs of
15 the ~~Commission~~ Department administered by the Division;

16 3. Prepare a personnel schedule, employ personnel, define
17 duties, appoint technicians and consultants, and fix salaries or
18 compensation, upon approval by the ~~Commission~~ Department; and

19 4. Administer all policies formulated and adopted by the
20 ~~Commission~~ Department for implementation by the Division.

21 SECTION 16. AMENDATORY 45 O.S. 2021, Section 1d, is
22 amended to read as follows:

23 Section 1d. A. The Division Director of the ~~Department~~
24 Division of Mines with the approval of the ~~Commission~~ Department of

1 Environmental Quality shall have and is authorized to exercise the
2 following duties:

3 1. To appoint a miner certification advisory council or other
4 such advisory council as may be required to accomplish government
5 functions; and

6 2. To provide assistance, advice and counsel to the ~~Commission~~
7 Department when requested.

8 B. Any advisory councils shall meet at such times and places as
9 the members may deem most convenient for the transaction of
10 business. A majority of such councils shall constitute a quorum.
11 Each member of such councils shall be reimbursed for actual and
12 necessary expenses incurred in the discharge of official duties with
13 approval of the Division Director and the ~~Commission~~ Department as
14 provided in the State Travel Reimbursement Act.

15 SECTION 17. AMENDATORY 45 O.S. 2021, Section 1e, is
16 amended to read as follows:

17 Section 1e. A. There is hereby established the Oklahoma Miner
18 Training Institute. The Oklahoma Miner Training Institute shall
19 administer miner safety training programs and economic development
20 programs to assist the mining industry in this state.

21 B. The ~~Oklahoma Mining Commission~~ Department of Environmental
22 Quality shall contract with the Board of Regents of Eastern Oklahoma
23 State College in Wilburton for facilities, faculty and services
24 necessary for the operation of the Institute including, but not

1 limited to, the services of a Director of the Institute and for the
2 development of appropriate curriculum and other services to be
3 offered by the Institute. The Regents of Eastern Oklahoma State
4 College shall appoint a Director for the Oklahoma Miner Training
5 Institute.

6 C. The Director of the Oklahoma Miner Training Institute shall
7 have knowledge, training, experience and ability consistent with the
8 functions of the Oklahoma Miner Training Institute. Further, the
9 Director shall have been a resident and a qualified elector of this
10 state for a period of at least three (3) years prior to his
11 selection as Director.

12 D. The ~~Oklahoma Mining Commission~~ Department of Environmental
13 Quality shall act in an advisory capacity concerning the operations
14 of the Oklahoma Miner Training Institute.

15 SECTION 18. AMENDATORY 45 O.S. 2021, Section 1f, is
16 amended to read as follows:

17 Section 1f. The Oklahoma Miner Training Institute shall:

18 1. Conduct miner safety training programs consistent with the
19 needs of the mining industry within this state and the training
20 requirements of the ~~Oklahoma Mining Commission~~ Department of
21 Environmental Quality;

22 2. Assist and cooperate with the ~~Oklahoma Mining Commission~~
23 Department of Environmental Quality by conducting examinations of
24 students of the Oklahoma Miner Training Institute applying for

1 certificates of competency issued by the ~~Oklahoma Mining Commission~~
2 Department; and

3 3. Assist the ~~Oklahoma Mining Commission~~ Department of
4 Environmental Quality in developing ways to expand existing markets
5 and create new markets for coal and noncoal mining operations and to
6 further the economic development of the mining industry.

7 SECTION 19. AMENDATORY 45 O.S. 2021, Section 2, is
8 amended to read as follows:

9 Section 2. A. No person shall act as a mine superintendent,
10 mine foreman, fire boss, shot-firer, certified surface blaster,
11 hoisting engineer or miner without first having obtained a
12 certificate of competency from the ~~Oklahoma Mining Commission~~
13 Department of Environmental Quality. No person shall employ such
14 mine superintendent, mine foreman, fire boss, shot-firer, certified
15 surface blaster, hoisting engineer or miner who does not hold such
16 certificate. Any person who violates the provisions of this
17 subsection, upon conviction, shall be fined not more than One
18 Thousand Five Hundred Dollars (\$1,500.00) or be imprisoned in the
19 county jail for a term not more than six (6) months, or both.

20 B. The examination for a certificate of competency as mine
21 superintendent, mine foreman, fire boss, shot-firer, certified
22 surface blaster or hoisting engineer shall be administered by only
23 employees or advisors of the Department ~~of Mines~~ who also hold equal
24 or higher certificates of competency. The examination shall be

1 sufficient to determine that such applicant fully understands the
2 requirements of the coal mining laws of this state.

3 Each applicant for mine superintendent, mine foreman, fire boss,
4 certified surface blaster, hoisting engineer or shot-firer shall
5 hold a first-aid certificate issued within one (1) year prior to the
6 date of the examination of the Department by an organization
7 recognized by the ~~Oklahoma Mining Commission~~ Department.

8 C. The Department shall hold monthly examinations for
9 certificates of competency as underground miners. Applicants for
10 such certificate may be granted a temporary permit by the ~~Commission~~
11 Department until an examination is held by the Department in the
12 region in which the applicant resides. Applicants must successfully
13 answer a written or oral examination pertaining to such requirements
14 and qualifications of underground miners as are determined necessary
15 by the ~~Commission~~ Department.

16 D. Certificates of competency shall be granted by the ~~Oklahoma~~
17 ~~Mining Commission~~ Department to persons who have given the
18 Department satisfactory evidence of their ability to perform the
19 duties and skills as are required ~~for the Council~~. Previous
20 experience and record of service of the applicant shall have equal
21 weight with the examination.

22 E. The minimum experience necessary for certificates of
23 competency are as follows:

24 1. Shot-firer - 1 year's practical underground

1 experience.

2 2. Certified surface blaster - 1 year's practical
3 experience.

4 3. Hoisting engineer - 1 year's practical
5 hoisting experience.

6 4. Fire boss - 2 years' practical underground
7 experience.

8 5. Mine foreman - 3 years' practical underground
9 experience.

10 6. Superintendent - 5 years' practical underground
11 experience.

12 7. Practical miner - 1 year's practical experience
13 as a miner or the equivalent
14 experience as defined by the
15 ~~Commission~~ Department.

16 Provided that the underground experience requirement for mine
17 foreman and the superintendent shall not apply to those positions in
18 surface mining.

19 F. A student who has completed an accredited two-year or four-
20 year mining program shall be credited one (1) year of experience
21 toward a fire boss, mine foreman or superintendent certification.

22 SECTION 20. AMENDATORY 45 O.S. 2021, Section 3, is
23 amended to read as follows:

24

1 Section 3. The ~~Chief Mine Inspector~~ Division Director of the
2 Division of Mines within the Department of Environmental Quality
3 shall be a citizen of the United States and shall have been a
4 resident of the State of Oklahoma for the three (3) years prior to
5 his or her appointment to office. In addition, the ~~Chief Mine~~
6 ~~Inspector~~ Division Director shall have had eight (8) years' actual
7 experience as a practical miner. For the purposes of this section
8 employment as an inspector for the ~~Department~~ Division of Mines
9 shall be considered practical mining experience. The ~~Chief Mine~~
10 ~~Inspector~~ Division Director shall be appointed by the ~~Governor~~ by
11 ~~and with the consent of the Senate for a term of four (4) years to~~
12 ~~run concurrently with the term of the Governor. At any time that~~
13 ~~such office becomes vacant, the Governor shall appoint with the~~
14 ~~consent of the Senate a successor to complete the unfinished term of~~
15 ~~office~~ Executive Director of the Department of Environmental Quality
16 and shall serve at the pleasure of the Executive Director and may be
17 removed or replaced without cause. Compensation for the Division
18 Director shall be determined by the Executive Director.

19 The Executive Director of the Department of Environmental
20 Quality may appoint a Deputy Division Director. The Deputy ~~Chief~~
21 ~~Mine Inspector~~ Division Director shall possess the same residency
22 requirements necessary for the ~~Chief Mine Inspector~~ Division
23 Director. The Deputy ~~Chief Mine Inspector~~ shall be appointed by and
24 shall serve at the pleasure of the Governor and Division Director

1 may be removed or replaced without cause. Compensation for the
2 Deputy shall be determined by the Executive Director. The Deputy
3 shall be under the direction of the ~~Chief Mine Inspector~~ Division
4 Director. The Deputy ~~Chief Mine Inspector~~ Division Director shall
5 assume all of the duties and responsibilities of the ~~Chief Mine~~
6 ~~Inspector~~ Division Director in the absence of the ~~Chief Mine~~
7 ~~Inspector~~ Division Director.

8 ~~The assistant mine~~ Mine inspectors shall be appointed by and at
9 all times be under the direction of the ~~Chief Mine Inspector~~
10 Division Director. The ~~assistant~~ mine inspectors appointed to
11 inspect underground mining operations shall have a minimum of three
12 (3) years' practical mining experience, and shall have obtained as a
13 minimum a certificate of competency as a mine foreman.

14 SECTION 21. AMENDATORY 45 O.S. 2021, Section 5, is
15 amended to read as follows:

16 Section 5. Certifications required by this title shall be
17 issued under the signature and seal of the ~~Oklahoma Mining~~
18 ~~Commission~~ Department of Environmental Quality. Such certificates
19 shall bear the date of issuance, full name and age of the recipient
20 and shall designate the position for which the recipient is
21 certified by the ~~Commission~~ Division of Mines. Applications for
22 certificates of competency shall be accompanied with the following
23 fees:

24 1. Superintendent \$20.00

1	2. Mine foreman	15.00
2	3. Fire boss	10.00
3	4. Shot-firer	10.00
4	5. Certified surface blaster	10.00
5	6. Hoisting engineer	10.00
6	7. Practical miner	5.00

7 SECTION 22. AMENDATORY 45 O.S. 2021, Section 6, is
8 amended to read as follows:

9 Section 6. The ~~Secretary of the Oklahoma Mining Commission~~
10 Department of Environmental Quality shall make a record of the names
11 and addresses of all persons to whom certificates are issued.
12 Certificates of competency when issued as provided for herein, shall
13 entitle the holders thereof to accept and discharge the duties for
14 which said certificates declare them qualified.

15 The Division Director shall advise the ~~Oklahoma Mining~~
16 ~~Commission~~ Department of Environmental Quality as far in advance as
17 possible the date and place of an examination to be held by the
18 Department, and shall, as soon as examination is completed, furnish
19 the ~~Commission~~ Department a list of the names of all persons who
20 took the examination and persons successfully completing said
21 examination shall be duly notified.

22 SECTION 23. AMENDATORY 45 O.S. 2021, Section 8, is
23 amended to read as follows:

24

1 Section 8. The ~~Secretary of the Board~~ Division Director of the
2 Division of Mines may, ~~upon the recommendation of at least two other~~
3 ~~members of the Board,~~ issue a temporary permit to an applicant for a
4 certificate for mine foreman, fire boss, shot-firer or hoisting
5 engineer. Said temporary permit shall be valid only ~~until next~~
6 ~~meeting of the Board or not to exceed~~ thirty-one (31) days.

7 SECTION 24. AMENDATORY 45 O.S. 2021, Section 31, is
8 amended to read as follows:

9 Section 31. On or before the first day of August of each year,
10 the ~~Chief Mine Inspector~~ Division Director of the Division of Mines
11 shall submit to the ~~Governor~~ Department of Environmental Quality a
12 report on the various systems of mining practiced in the state,
13 methods of mine ventilation, type of machinery employed, and such
14 other matters as may pertain to the general welfare of the public,
15 miners and others connected with mining.

16 SECTION 25. AMENDATORY 45 O.S. 2021, Section 34, is
17 amended to read as follows:

18 Section 34. The ~~Chief Mine Inspector~~ Division Director of the
19 Division of Mines shall have an office ~~at the seat of government~~ in
20 which he or she shall keep the maps and plans of all mines in the
21 state and all records, correspondence, papers, apparatus and other
22 property belonging to the state pertaining to his or her office.
23 All such property shall be kept in accessible and convenient form,
24 in a fire proof vault convenient to his or her office and furnished

1 by the state, for reference by persons entitled to examine ~~them~~ such
2 property. The ~~Chief Mine Inspector~~ Division Director shall not
3 permit such maps, plans, records and papers to be removed from his
4 or her office.

5 SECTION 26. AMENDATORY 45 O.S. 2021, Section 41, is
6 amended to read as follows:

7 Section 41. In case of dispute between operators and miners on
8 the proper interpretation of rules, regulations, and laws in
9 relation to mines and subjects relating thereto and providing for
10 the health and safety of persons employed therein, and the dispute
11 is filed in formal written form with the Department of ~~Mines~~
12 Environmental Quality, the ~~Chief Mine Inspector~~ Division Director of
13 the Division of Mines shall ~~call~~ request a meeting of the ~~Mining~~
14 Environmental Quality Board to review the dispute. An opinion of
15 the proper interpretation of the disputed rule, regulation, or law,
16 concurred in by a majority of the ~~Mining~~ Board, shall be binding
17 upon the ~~mining department~~ Division of Mines to enforce, and the
18 operators and miners must abide by the opinion unless the opinion of
19 the ~~Mining~~ Board is at variance with an opinion of interpretation by
20 the Attorney General of the intent of the rule, regulation, or law.
21 In case the opinion of the Attorney General is at variance with the
22 opinion of the ~~Mining~~ Board, then all parties must abide by the
23 opinion of the Attorney General, except that all parties shall have
24 recourse to courts of this state.

1 In case operators or miners shall file formal written charges
2 with the Department of ~~Mines~~ Environmental Quality that any law or
3 laws in relation to mining and subjects relating thereto and
4 providing for the health and safety of persons employed therein have
5 been violated, the ~~Chief Mine Inspector~~ Division Director shall call
6 the parties involved before the ~~Mining Board~~ Department to hear the
7 evidence for and the defense against said charges. By majority vote
8 the charges are valid and true.

9 SECTION 27. AMENDATORY 45 O.S. 2021, Section 44, is
10 amended to read as follows:

11 Section 44. If the Attorney General shall seek redress on
12 behalf of the state as provided for in the Administrative Procedures
13 Act, the ~~Oklahoma Mining Commission~~ Department of Environmental
14 Quality is empowered to appoint a special counsel for such
15 proceedings.

16 SECTION 28. AMENDATORY 45 O.S. 2021, Section 45, is
17 amended to read as follows:

18 Section 45. In addition to its other powers, the ~~Oklahoma~~
19 ~~Mining Commission~~ Department of Environmental Quality is authorized
20 and directed, within the limits of funds available to it, to engage
21 in a continuing study of the mining laws of this state, and of
22 changes therein required in order to carry out to the greatest
23 practicable extent the policies, goals, objectives and
24 recommendations of the ~~Commission~~ Department, and to make

1 recommendations and prepare proposed legislation for such purposes.
2 Such recommendations and proposed legislation shall, as they are
3 completed, be filed with the President Pro Tempore of the Senate and
4 the Speaker of the House of Representatives.

5 SECTION 29. AMENDATORY 45 O.S. 2021, Section 46, is
6 amended to read as follows:

7 Section 46. ~~The Oklahoma Mining Commission~~ Department of
8 Environmental Quality is authorized and directed, within the limits
9 of funds available to it, to study ways to expand existing markets
10 and create new markets for Oklahoma coal and other minerals, to
11 study the impact of sulfur emission standards on burning of Oklahoma
12 mined coal, and to make recommendations to the Governor and
13 Legislature for such purposes in a current and updated report by
14 February 1, 1988.

15 SECTION 30. AMENDATORY 45 O.S. 2021, Section 46.1, is
16 amended to read as follows:

17 Section 46.1 The Department of Environmental Quality, ~~in~~
18 ~~cooperation with the Department of Mines~~ is authorized and directed,
19 within the limits of federal funds available to the Department ~~of~~
20 ~~Environmental Quality or any funds available to the Department of~~
21 ~~Mines~~, to study ways to remediate acid mine drainage produced from
22 abandoned coal mines within this state, which the Legislature hereby
23 finds to be a significant water pollution and water quality problem.
24 The Department of Environmental Quality ~~and the Department of Mines~~

1 shall evaluate existing projects among local, state and federal
2 government agencies, and educational institutions, which address
3 acid mine drainage.

4 Any local, state, and educational institution within this state
5 implementing water quality projects which pertain to acid mine
6 drainage shall coordinate and cooperate with the Department of
7 Environmental Quality ~~and the Department of Mines~~ to implement the
8 provisions of this section. The Department of Environmental Quality
9 ~~and the Department of Mines~~ shall make every effort to obtain full
10 cooperation and coordination from any federal agency which
11 implements any project pertaining to acid mine drainage.

12 SECTION 31. AMENDATORY 45 O.S. 2021, Section 48, is
13 amended to read as follows:

14 Section 48. The ~~Oklahoma Department of Mines~~ Department of
15 Environmental Quality shall have jurisdiction over only those borrow
16 pits which are located on property permitted as commercial mining
17 operations pursuant to Title 45 of the Oklahoma Statutes.

18 SECTION 32. AMENDATORY 45 O.S. 2021, Section 723, is
19 amended to read as follows:

20 Section 723. Whenever used or referred to in Sections 722
21 through 738 of this title, unless a different meaning clearly
22 appears from the context:

23 1. "Overburden" means all of the earth and other materials
24 which lie above natural deposits of minerals, and also means such

1 earth and other materials disturbed from their natural state in the
2 process of surface mining;

3 2. "Mine" means an underground or surface excavation and
4 development with or without shafts, slopes, drifts or tunnels for
5 the extraction of minerals, with hoisting or haulage equipment and
6 appliances for the extraction thereof, and shall embrace any and all
7 of the land or property of the plant, and the surface and
8 underground, that contribute directly or indirectly to the mining
9 properties, concentration or handling of minerals;

10 3. "Mining" means the extraction of minerals from natural
11 deposits by any method or process;

12 4. "Minerals" means asphalt, clay, copper, granite, gravel,
13 gypsum, lead, marble, salt, sand, shale, stone, tripoli, volcanic
14 ash and zinc, or any other substance commonly recognized as a
15 mineral, and includes ores or rock containing any such substances,
16 but excludes oil, gas and any other mineral found naturally in a
17 liquid or gaseous state;

18 5. "Underground mining" means those mining operations carried
19 out beneath the surface by means of shafts, slopes, tunnels or other
20 openings leading to the mineral being mined and the extraction of
21 the mineral through such shafts, slopes, tunnels or their openings;

22 6. "Surface mining" means those mining operations carried out
23 on the surface, including strip mining, auger mining, quarrying,
24 dredging, pumping, or the use of hydraulic methods.

1 Surface mining shall not include excavation or removal of shale,
2 sand, gravel, clay, rock or other materials in remote areas by an
3 owner or holder of a possessory interest in land for the primary
4 purpose of construction or maintenance of access roads to or on such
5 landowner's property. Surface mining shall not include excavations
6 or grading conducted for forming, on-site road construction or other
7 on-site construction, or the extraction of minerals other than
8 anthracite and bituminous coal by a landowner for noncommercial use
9 from land owned or leased by the landowner; nor mining for
10 commercial purposes conducted under a Limited Use Permit issued by
11 the Department of Environmental Quality; nor the extraction of sand,
12 gravel, rock, stone, earth or fill from borrow pits for highway
13 construction purposes, so long as such work is performed under a
14 bond, contract and specifications which substantially provide for
15 and require reclamation of the area affected; nor to the handling,
16 processing or storage of slag on the premises of a manufacturer as a
17 part of the manufacturing process. Surface mining shall not include
18 the surface mining of coal or the surface effects of underground
19 coal mining;

20 7. "Strip mining" means those mining operations carried out by
21 removing the overburden lying above natural deposits of minerals,
22 and mining directly from such natural deposits thereby exposed, but
23 excludes auger mining, quarrying, dredging, pumping or the use of
24 hydraulic methods;

1 8. "Reclamation" means conditioning affected land to make it
2 suitable for any uses or purposes consistent with those enumerated
3 in Section 722 of this title, and to avoid, minimize or correct
4 adverse environmental effects of mining operations;

5 9. "Box cut" means the first open cut in strip mining which
6 results in the placing of overburden on unmined land adjacent to the
7 initial pit and outside the area to be mined;

8 10. "Consolidated material" means material of sufficient
9 hardness or ability to resist weathering and to inhibit erosion or
10 sloughing;

11 11. "Operator" means any person, partnership, firm or
12 corporation engaged in and controlling a mining operation;

13 12. "Pit" means a tract of land from which overburden or
14 minerals have been or are being removed in the process of surface
15 mining;

16 13. "Affected land" means the area of land from which
17 overburden shall have been removed, or upon which overburden or
18 refuse has been deposited, or both;

19 14. "Refuse" means all waste material directly connected with
20 the production, cleaning or preparation of minerals which have been
21 mined by either underground or surface mining method;

22 15. "Ridge" means a lengthened elevation of overburden created
23 in the surface mining process;

24

1 16. "Peak" means a projecting point of overburden created in
2 the surface mining process;

3 17. "Department" means the ~~office of the Chief Mine Inspector,~~
4 ~~herein called the Department of Mines and Mining~~ Environmental
5 Quality, or such department, bureau or commission as may lawfully
6 succeed to the powers and duties of such department;

7 18. "Division Director" means the ~~Chief Mine Inspector of the~~
8 ~~State of Oklahoma~~ Division Director of the Division of Mines of the
9 Department of Environmental Quality or such officer, bureau or
10 commission as may lawfully succeed to the powers and duties of such
11 ~~Chief Mine Inspector~~ Division Director;

12 19. "Borrow pit" means the one-time or intermittent extraction
13 of sand, gravel, rock, stone, earth or fill in its natural state,
14 not being mechanically altered to affect its size for government-
15 financed construction purposes. Such work shall be performed under
16 a bond, contract and specifications which substantially provide for
17 and require reclamation of the affected area; and

18 20. "Dimension stone quarry" means a site where natural stone
19 used as building material is excavated and the stones are selected,
20 trimmed, or cut to specified shapes or sizes.

21 SECTION 33. AMENDATORY 45 O.S. 2021, Section 724, is
22 amended to read as follows:

23 Section 724. A. It shall be unlawful for any operator to
24 engage in any mining operations in this state without first

1 obtaining a permit or a Limited Use Permit from the Department of
2 ~~Mines~~ Environmental Quality for each separate mining operation. The
3 Department shall determine what constitutes a separate mining
4 operation by rules promulgated under the Mining Lands Reclamation
5 Act.

6 B. Any operator desiring to engage in limited mining activity
7 may apply for a Limited Use Permit for those mining operations not
8 eligible for a surface mining permit. Application for such permit
9 shall be made upon forms furnished by the Department. The form
10 shall contain a description of the tract or tracts of land and shall
11 include the section, township, range and county in which the land is
12 located. A map shall be attached to the application which
13 accurately outlines and locates the tract of land. A statement that
14 the applicant has the right and power by legal estate owned to mine
15 the land so described shall be included with the application. In
16 addition, the following conditions and requirements shall apply to
17 Limited Use Permits:

- 18 1. The maximum acreage shall be restricted to two (2) acres;
- 19 2. The term of a Limited Use Permit shall not exceed twelve
20 (12) months from the date of issuance;
- 21 3. A Limited Use Permit shall not carry a right of successive
22 renewal;

23
24

1 4. A Limited Use Permit site must be reclaimed as required by
2 Section 725 of this title within six (6) months following the
3 expiration of the permit term;

4 5. A three-thousand-five-hundred-dollar reclamation bond must
5 be filed with the Department prior to issuance of the permit;

6 6. Failure to reclaim the site disturbance within the permitted
7 time frame or revocation of the Limited Use Permit will be cause for
8 bond forfeiture or other action as may be ordered by the Department;

9 7. The use of processing equipment shall not be approved for a
10 Limited Use Permit;

11 8. The use of explosives shall not be approved under a Limited
12 Use Permit;

13 9. A processing fee of One Hundred Dollars (\$100.00) shall
14 accompany the application for a Limited Use Permit; and

15 10. Mining production shall be reported and paid as required by
16 Section 931 of this title.

17 If the above listed conditions and requirements are met, the
18 Department may issue a Limited Use Permit which shall not be subject
19 to the notice and publication requirements as otherwise required by
20 this section.

21 C. 1. Any operator desiring to engage in surface mining shall
22 make written application to the Department for a permit.
23 Application for such permit shall be made upon a form furnished by
24 the Department. The form shall contain a description of the tract

1 or tracts of land and the estimated number of acres to be affected
2 by surface mining by the operator. The description shall include
3 the section, township, range and county in which the land is located
4 and shall otherwise describe the land with sufficient certainty so
5 that it may be located and distinguished from other lands.

6 2. Transmission lines shall be plotted on a location map
7 submitted with the application. A statement that the operator has
8 the right and power by legal estate owned to mine by surface mining
9 the land so described shall be included with the application.

10 D. 1. Any operator desiring to engage in underground mining
11 shall make written application to the Department for a permit.
12 Application for such permit shall be made upon a form furnished by
13 the Department. The form shall contain a description of the tract
14 or tracts of land to be used as refuse disposal areas. The
15 description shall include the section, township, range and county in
16 which the land is located and shall otherwise describe the land with
17 sufficient certainty so that it may be located and distinguished
18 from other lands.

19 2. A statement that the applicant has the right and power by
20 legal estate owned to use the land so described as a refuse disposal
21 area shall be included with the application.

22 E. Each application for a permit under subsections C and D of
23 this section shall be accompanied by a plan of reclamation of the
24 affected land that meets the requirements of the Mining Lands

1 Reclamation Act. The application shall set forth the proposed use
2 to be made of the affected land, the grading to be accomplished, the
3 type of revegetation, and shall include the approximate time of
4 grading and initial revegetation effort.

5 F. Each application for a permit under subsections C and D of
6 this section shall be accompanied by the bond or security meeting
7 the requirements of Section 728 of this title, or proof that such
8 bond or security is still in effect, and a fee of One Hundred
9 Seventy-five Dollars (\$175.00) for each permit year, payable at the
10 rate of One Hundred Seventy-five Dollars (\$175.00) per year on the
11 anniversary date of the year in which the permit or permit renewal
12 was issued. All application fees shall be submitted to the State
13 Treasurer, who shall deposit them in the Department of ~~Mines~~
14 Environmental Quality Revolving Fund established in Section 2-3-401
15 of Title 27A of the Oklahoma Statutes.

16 G. 1. Upon the receipt of such application, bond or security
17 and fee due from the operator, the Department may issue a permit to
18 the applicant which shall entitle the applicant to engage in mining
19 on the land therein described in accordance with the rules
20 promulgated by the Department, for the life expectancy of the
21 operation unless the operator is in violation of any state statute
22 or rule of the Department in which case the Department shall take
23 appropriate action against the operator.

24

1 2. All applications for renewal of existing permits shall be
2 filed prior to the expiration of the existing permit in accordance
3 with the rules promulgated by the Department.

4 3. No permit shall be issued except upon proper application and
5 public hearing, if requested.

6 H. 1. a. Upon filing the application with the Department, the
7 applicant shall place an advertisement in a newspaper
8 of general circulation in the vicinity of the mining
9 operation, containing such information as is required
10 by the Department, at least once a week for four (4)
11 consecutive weeks.

12 b. The advertisement shall contain, at a minimum, the
13 following:

- 14 (1) the name and business address of the applicant,
15 (2) a description which clearly shows or describes
16 the precise location and boundaries of the
17 proposed permit area and is sufficient to enable
18 local residents to readily identify the proposed
19 permit area. It may include towns, bodies of
20 water, local landmarks, and any other information
21 which would identify the location,
22 (3) the location where a copy of the application is
23 available for public inspection,
24

1 (4) the name and address of the Department where
2 written comments, objections, or requests for
3 informal conferences on the application may be
4 submitted pursuant to subsection P of this
5 section,

6 (5) if an applicant seeks a permit to mine which
7 includes relocation or closing of a public road,
8 a copy of the county resolution pertaining to the
9 affected county road, and

10 (6) such other information as is required by the
11 Department.

12 2. Any property owner or resident of an occupied dwelling who
13 may be adversely affected located within one (1) mile of the mining
14 operation shall have the right to protest the issuance of a permit
15 and request a public hearing.

16 3. The Department shall notify the surface owners of any
17 hearings in connection with applications or permits in the same
18 manner as the operator is notified.

19 4. Such protests must be received by the Department within
20 fourteen (14) days after the date of publication of the newspaper
21 advertisement. If a public hearing is requested, the Department
22 shall then hold an informal hearing in the vicinity of the proposed
23 mining.

1 5. Upon completion of findings after the hearing, the
2 Department shall determine whether to issue or deny the permit, and
3 shall notify all parties of its decision.

4 6. Any decision regarding the issuance of a permit under this
5 section shall be appealable when entered, as provided in the
6 Administrative Procedures Act.

7 I. Each application for a new operation shall contain, where
8 applicable, a list of all other licenses and permits needed by the
9 applicant to conduct the proposed mining operation. This list shall
10 identify each license and permit by:

11 1. Type of permit or license;

12 2. Name and address of issuing authority;

13 3. Identification number or a copy of the application for
14 permits or licenses or, if issued, a copy of the permit or license;
15 and

16 4. If a decision has been made, the date of approval or
17 disapproval by each issuing authority.

18 An existing operation which does not have on file a list of the
19 applicable licenses or permits with the Department on the date of
20 enactment of this act shall not be out of compliance with the
21 provisions of this section. Any renewal of an existing permit or
22 expansion or amendment to an existing operation upon time of
23 application shall submit a copy of all approved licenses and permits
24 issued by other agencies or jurisdictions.

1 Identifications of all permits and licenses shall include local
2 government agencies with jurisdiction over or an interest in the
3 area of the proposed mining operation including, but not limited to,
4 planning agencies, water and sewer authorities; and all state and
5 federal government agencies with authority to issue permits and
6 licenses applicable to the proposed mining operation, including all
7 state environmental agencies, U.S. Army Corps of Engineers, U.S.
8 Department of Agriculture Natural Resources Conservation Service
9 district office, and federal fish and wildlife agencies.

10 J. An operator desiring to have such operator's permit amended
11 to cover additional land may file an amended application with the
12 Department. Upon receipt of the amended application, and such
13 additional bond as may be required under the provisions of the
14 Mining Lands Reclamation Act, the Department shall issue an
15 amendment to the original permit covering the additional land
16 described in the amended application, without the payment of any
17 additional fee.

18 K. An operator may withdraw any land covered by a permit,
19 deleting affected land therefrom, by notifying the Department, in
20 which case the penalty of the bond or security filed by such
21 operator pursuant to the provisions of the Mining Lands Reclamation
22 Act shall be reduced proportionately.

23 L. Permits issued to an operator may be transferable to another
24 operator, provided the new operator can demonstrate to the

1 Department, prior to the transfer of ownership, that conditions and
2 obligations required for the permit will be met and the new operator
3 has submitted a performance bond or other guarantee, or has obtained
4 the bond coverage of the original permittee.

5 M. The perimeter of the permit area shall be clearly marked by
6 durable and recognizable markers or by other means approved by the
7 Department.

8 N. The Department shall determine the blasting distance to
9 transmission lines by rule.

10 O. 1. If any mining operations where blasting is required
11 occur within the limits of a municipality with a population in
12 excess of three hundred thousand (300,000) according to the latest
13 Federal Decennial Census or within the limits of a municipality
14 within a county with a population in excess of three hundred
15 thousand (300,000) according to the latest Federal Decennial Census,
16 the application for a permit pursuant to subsections C and D of this
17 section shall be accompanied by proof that the operator is in full
18 compliance with all applicable regulations of the municipality.
19 Certified copies of any required municipal permits and any other
20 required written municipal approvals shall be attached to the
21 application when submitted to the Department. No mining permit
22 shall be issued by the Department unless the applicant first
23 complies with the requirements of this subsection. A municipality
24 is not required to reconsider requests denied by the municipality

1 related to the same site unless the municipality determines there
2 has been a material change in the application.

3 2. The provisions of paragraph 1 of this subsection shall not
4 apply to existing permitted operations, revisions or amendments
5 thereto, or any application on file with the Department prior to May
6 25, 2005. In addition, the provisions of paragraph 1 of this
7 subsection shall not apply to any future operation on property
8 directly adjacent to property on which a permitted operation is
9 located, provided that the operation is permitted and the adjacent
10 property is owned or leased by the operator on the effective date of
11 this act. For purposes of this subsection, properties separated by
12 a public road shall be considered to be adjacent.

13 P. Within a reasonable time, as established by the Department,
14 written comments or objections on permit or bond release
15 applications may be submitted to the Department by public entities
16 including but not limited to the local soil conservation district,
17 with respect to the effects of the proposed mining operations on the
18 environment.

19 Q. Any person having an interest in or who is or may be
20 adversely affected by the decision on a permit or bond release
21 application, or any federal, state or local agency, shall have the
22 right to request in writing that the Department hold ~~an informal~~
23 ~~conference~~ a formal hearing on the application. The Department
24 shall hold the ~~informal conference~~ formal hearing within a

1 reasonable time following the receipt of the written request at a
2 location in the vicinity of the proposed or active surface mining or
3 reclamation operation.

4 SECTION 34. AMENDATORY 45 O.S. 2021, Section 725, is
5 amended to read as follows:

6 Section 725. A. All affected land other than lands affected by
7 coal mining operations shall be reclaimed as provided in this
8 section.

9 B. The operator shall determine which parts of the affected
10 land shall be reclaimed for forest, pasture, crop, horticultural,
11 homesite, recreational, industrial or other use including food,
12 shelter and ground cover for wildlife.

13 C. All ridges and peaks of overburden created by surface mining
14 shall be graded to a rolling topography traversable by machines or
15 equipment customarily used in connection with the use to be made of
16 the land after reclamation, but such slopes need not be reduced to
17 less than the original grade of the area prior to mining, and the
18 slope of the ridge of overburden resulting from a box cut need not
19 be reduced to less than twenty-five degrees (25°) from horizontal.
20 Surface mining operations conducted in the flood plains of streams
21 and rivers and subject to periodic flooding shall be exempt from the
22 grading requirements of this section.

23 D. The operator may construct earth dams to form lakes in pits
24 resulting from surface mining operations, provided that the

1 formation of lakes shall not interfere with other mining operations
2 or damage property of others.

3 E. The operator shall cover the exposed face of a mineral seam,
4 where significant concentrations of acid-forming materials are
5 present, to a depth of not less than three (3) feet with earth that
6 will support plant life or with a permanent water impoundment.

7 F. The operator shall grade down the banks of any pits or
8 depressions created by the removal of sand or gravel by surface
9 mining to a degree of slope determined by the Department, which
10 shall give due consideration to the natural topography of the land
11 affected and adjacent lands, the composition of such banks and the
12 most beneficial use of the pits and depressions comprising the
13 affected land after reclamation. If the pits or depressions are
14 deeper than ten (10) feet, the operator may elect to bench the
15 highwall, provided that such benches are not in excess of ten (10)
16 feet in height.

17 G. All affected land except that which is to be covered with
18 water or used for homesites or industrial purposes shall be
19 revegetated by the planting of seeds, plants, trees, shrubs or other
20 plantings appropriate to the use to be made of the land as
21 determined by the operator. No planting of any kind shall be
22 required on any affected land so long as the chemical and physical
23 characteristics of the soil of such affected land are toxic,
24 deficient in plant nutrients or composed of sand, gravel, shale or

1 stone to such an extent as to seriously inhibit plant growth. The
2 Department may prescribe by rules and regulations the required
3 density of such plantings, and may make replanting requirements.

4 H. Except where prevented by weather conditions, all grading
5 shall be completed within one (1) year after mining of the affected
6 land has been completed. Initial seeding or planting shall be made
7 at the first appropriate time following completion of grading. If
8 the operator is unable to acquire sufficient planting stock of
9 desired species from state nurseries, or acquire such species
10 elsewhere at comparable prices the Department of Environmental
11 Quality shall grant the operator an extension of time until planting
12 stock is available to plant such land as originally planned.

13 I. In any noncoal mining operation where the type and amount of
14 material removed precludes the filling of the quarry, the Department
15 ~~of Mines~~ shall prescribe necessary measures for the protection of
16 the public and animal life.

17 SECTION 35. AMENDATORY 45 O.S. 2021, Section 727, is
18 amended to read as follows:

19 Section 727. The Department of Environmental Quality, or its
20 accredited representatives, may enter upon the lands of the operator
21 at all reasonable times, for the purpose of inspection, to determine
22 whether the provisions of this act have been complied with.

23 SECTION 36. AMENDATORY 45 O.S. 2021, Section 728, is
24 amended to read as follows:

1 Section 728. A. Any bond required to be filed with the
2 Department of Environmental Quality by the operator shall be in such
3 form as the Division Director prescribes, payable to the State of
4 Oklahoma, conditioned that the operator shall faithfully perform all
5 requirements of the Mining Lands Reclamation Act and comply with all
6 rules of the Department made in accordance with the provisions of
7 the Mining Lands Reclamation Act. Such bond shall be signed by the
8 operator as principal, and by a good and sufficient corporate
9 surety, licensed to do business in the state, as surety.

10 B. The penal sum of such bond shall be determined by the
11 Department and shall depend on the performance requirements of the
12 approved permit. The minimum bond shall be Two Thousand Dollars
13 (\$2,000.00).

14 In determining the amount of the bond, the Department shall take
15 into consideration the character and nature of the overburden, the
16 future suitable use of the land involved and the cost of reclamation
17 to be required.

18 C. A bond shall not be cancelable by the surety except after
19 not less than ninety (90) days' prior written notice to the
20 Department. Bonds may be continued in effect from year to year, and
21 a new bond need not be provided for each permit application. A
22 single bond may cover all of the operator's mining operations in the
23 state. The penalty of the bond or amount of cash and securities, as
24 provided in subsection E of this section, shall be increased or

1 reduced from time to time as provided in the Mining Lands
2 Reclamation Act.

3 D. If the license to do business in the state of any surety
4 upon a bond filed with the Department pursuant to the Mining Lands
5 Reclamation Act shall be suspended or revoked, the operator, within
6 thirty (30) days after receiving notice from the Department, shall
7 substitute for such surety a good and sufficient corporate surety
8 licensed to do business in the state. Upon failure of the operator
9 to make substitution of surety as required, the Department shall
10 have the right to suspend the permit of the operator to conduct
11 operations upon the land described in such permit until such
12 substitution has been made.

13 E. In lieu of such bond, the operator may deposit cash
14 government securities, Certificates of Deposit or an irrevocable
15 letter of credit with the Department in an amount equal to that of
16 the required bond on conditions as prescribed by the Department. In
17 the discretion of the Department surety bond requirements may also
18 be fulfilled by using existing reclaimed areas, in excess of
19 cumulative permit or mined acres, that have been completed under the
20 jurisdiction of the Mining Lands Reclamation Act and approved by the
21 Department.

22 F. Such bond or security shall remain in effect until the mined
23 acres have been reclaimed, approved and released by the Department.
24 If the Department determines that grading has been satisfactorily

1 completed pursuant to the Mining Lands Reclamation Act, the
2 Department may release up to eighty percent (80%) of the penal sum
3 of the bond filed for each acre of land graded. The remaining
4 portion of the bond shall continue in effect until the completion of
5 the requirements pursuant to Section 725 of this title.

6 SECTION 37. AMENDATORY 45 O.S. 2021, Section 729, is
7 amended to read as follows:

8 Section 729. The Department of ~~Mines~~ Environmental Quality
9 shall notify the operator and the surety in writing of any claimed
10 violation of the provisions of the Mining Lands Reclamation Act or
11 the rules of the Department. If the alleged violation is discovered
12 as a result of a citizen complaint and the person claiming the
13 violation states in writing the desire that the source of the
14 complaint be kept confidential, the Department shall maintain such
15 information in confidence. If the operator denies the alleged
16 violation, the Department shall hold a hearing on said charges.
17 Said hearing shall be held not less than thirty (30) days from the
18 notice of hearing.

19 At such hearing the operator shall have the right to present
20 evidence in opposition to the claimed violation.

21 If upon such hearing the Department shall determine that a
22 violation has occurred, the Department shall make detailed findings
23 of fact and conclusions of law. The surety, if applicable, may
24 perform for the operator.

1 If the operator or surety, if applicable, fails to perform the
2 corrective work required by the Department or fails to properly
3 perform said work, the Department may initiate permit revocation
4 and/or bond forfeiture proceedings. After successful collection of
5 the security required by Section 728 of this title, the Department
6 shall contract for the work to be done consistent with all state
7 requirements. The Department shall not issue any permits to an
8 operator who has failed to perform such corrective work, or has
9 defaulted with respect to the bond or other security required by
10 Section 728 of this title, until such obligations are met by the
11 operator or his surety or agent, as determined by the Department.

12 If the Department determines that an entity or individual has
13 mined without a permit in violation of Section 724 of this title,
14 the Department shall assess a fine of up to Ten Thousand Dollars
15 (\$10,000.00) against the entity, individuals, or agents of said
16 entity. Any agent is jointly and severally liable with its
17 principal for such violation and any resulting fines.

18 The Department may pursue civil action for relief, including a
19 permanent or temporary injunction, restraining order, or any other
20 appropriate order in the district court for the district in which
21 the illegal mining operation is located, in which the entity,
22 individuals, or agents of said entity, have their principal offices,
23 or in Oklahoma County, to enforce any Department action against the
24 entity, individual, or agents. Further, the Department shall be

1 entitled to recover penalties or fines assessed for mining without a
2 permit from the entity, individuals or agents conducting said mining
3 in violation of this title. The Department shall also be entitled
4 to reasonable attorneys fees incurred in enforcing this provision.
5 All monies collected pursuant to this section shall be deposited in
6 the Department of ~~Mines~~ Environmental Quality Revolving Fund.

7 In order to fully inform affected surface owners who have filed
8 a complaint of any alleged violations affecting the surface estate
9 by an operator, the Department shall:

10 1. Provide by mail to the affected surface owners who have
11 filed a complaint, a copy of any alleged violations affecting the
12 surface estate issued to the operator within five (5) days after
13 such violation is cited;

14 2. Notify the surface owners who have filed a complaint of any
15 hearings in connection to alleged violations affecting the surface
16 estate in the same manner and at the same time as the operator; and

17 3. Provide surface owners who have filed a complaint with
18 complete information on the disposition of all violations affecting
19 the surface estate cited at the same time the operator is notified.

20 SECTION 38. AMENDATORY 45 O.S. 2021, Section 731, is
21 amended to read as follows:

22 Section 731. The operator shall submit to the Department of
23 Environmental Quality, no later than September 1 following the end
24 of each permit year, a map in a form approved by the Department

1 showing the location of the pit or pits by section, township, range
2 and county, with such other description as will identify the land
3 which the operator has affected by mining during such permit year
4 and has completed mining operations thereon, with a legend upon such
5 map showing the number of acres of affected land. Such map shall
6 also show in acres the extent of the reclamation accomplished on the
7 affected land, including grading and revegetation efforts, as of the
8 end of the permit year, and shall show by appropriate designation
9 any deviation from the plan of reclamation filed under subsection
10 ~~(e)~~ E of Section 724 of this title and the reasons therefor.

11 Whenever an operator shall have completed all requirements under
12 the provisions of this act as to any affected land, he shall notify
13 the Department thereof. If the Department determines that the
14 operator has completed reclamation requirements and achieved results
15 appropriate to the use for which the area was reclaimed, the
16 Department shall release the operator from further obligations
17 regarding such affected land and the penalty of the bond shall be
18 reduced proportionately.

19 SECTION 39. AMENDATORY 45 O.S. 2021, Section 732, is
20 amended to read as follows:

21 Section 732. In addition to the duties and powers conferred on
22 the Department of Environmental Quality in other provisions of this
23 act, the Department shall have authority and power to:

24

1 ~~(a)~~ 1. Adopt and promulgate reasonable rules and regulations
2 respecting the administration of this act and in conformity
3 therewith and the Administrative Procedures Act~~;~~;

4 ~~(b)~~ 2. Order, after hearing, the revocation of any permit
5 issued hereunder for violation of this act~~;~~;

6 ~~(c)~~ 3. Cause to be instituted, in any court of competent
7 jurisdiction, legal proceedings for injunctive or other appropriate
8 relief to enforce this act~~;~~;

9 ~~(d)~~ 4. Make investigations and inspections which are necessary
10 or appropriate to insure compliance with this act~~;~~;

11 ~~(e)~~ 5. Collect and disseminate information relating to
12 reclamation of affected lands~~;~~; and

13 ~~(f)~~ 6. Request the assistance of any federal or state agency
14 for technical advice or any other type of assistance deemed
15 necessary to carry out the purposes of this act.

16 SECTION 40. AMENDATORY 45 O.S. 2021, Section 733, is
17 amended to read as follows:

18 Section 733. At the request of the Department of Environmental
19 Quality, the Attorney General shall provide such legal assistance as
20 may be needed in interpreting, enforcing and carrying out the
21 provisions of this act including, but not limited to, institution of
22 and prosecuting legal actions and proceedings for injunctive relief
23 and this improvement shall include the provisions of Section ~~17~~
24 ~~hereof~~ 737 of this title.

1 SECTION 41. AMENDATORY 45 O.S. 2021, Section 734, is
2 amended to read as follows:

3 Section 734. Any act authorized to be done by the Department of
4 Environmental Quality related to mining may be performed by the
5 ~~Chief Mine Inspector~~ Division Director of the Division of Mines, or
6 an assistant designated by him or her.

7 SECTION 42. AMENDATORY 45 O.S. 2021, Section 735, is
8 amended to read as follows:

9 Section 735. The Department of Environmental Quality is
10 designated as the agency to make safety inspections in sand, sand
11 and gravel, and in quarrying operations. Any person required by
12 this act to have a permit who engages in mining without a valid
13 permit therefor issued pursuant to this act is guilty of a
14 misdemeanor, and on conviction thereof shall be fined not less than
15 Fifty Dollars (\$50.00) nor more than One Thousand Dollars
16 (\$1,000.00). Each day of operation without the permit required by
17 this act shall be deemed a separate violation.

18 SECTION 43. AMENDATORY 45 O.S. 2021, Section 738, is
19 amended to read as follows:

20 Section 738. All final decisions and orders of the Department
21 of Environmental Quality shall be subject to judicial review of the
22 acts of administrative agencies.

23 SECTION 44. AMENDATORY 45 O.S. 2021, Section 742.1, is
24 amended to read as follows:

1 Section 742.1 This act shall be known and may be cited as the
2 "Coal Reclamation Act of 1979".

3 It is the intent of the Oklahoma Legislature that the Coal
4 Reclamation Act of 1978, ~~Sections~~ Section 742 et seq. of Title 45 of
5 the Oklahoma Statutes, and this Coal Reclamation Act of 1979, be
6 read together as the law regulating the reclamation of lands
7 affected by surface coal mining operations and the surface effects
8 of underground coal mining, to bring Oklahoma into compliance with
9 Public Law 95-87, the "Surface Mining Control and Reclamation Act of
10 1977".

11 The provisions of the Mining Lands Reclamation Act, Sections 721
12 through 728 of Title 45 of the Oklahoma Statutes, shall not apply to
13 surface coal mining operations or the surface effects of underground
14 coal mining operations.

15 The Oklahoma Legislature finds and declares that coal mining
16 operations presently contribute significantly to the nation's energy
17 requirements, that Oklahoma's coal production is part of those
18 energy requirements, and that the cooperative effort established by
19 this act is necessary to prevent or mitigate adverse environmental
20 effects of all surface mining operations.

21 It is the purpose of this act to protect the rights of surface
22 owners and the environment, and to require reclamation of lands
23 affected by surface and underground coal mining in a manner
24 compatible with the social, environmental and aesthetic needs of

1 this state. If reclamation is not feasible, surface mining
2 operations should not be conducted. It is the intent of the
3 Legislature to insure the existence of an expanding and economically
4 healthy coal mining industry and that there be public participation
5 in the development of rules and regulations appropriate to the State
6 of Oklahoma and that the Department of ~~Mines~~ Environmental Quality
7 exercise the full reach of its powers to insure the protection of
8 the public interest through the effective control of surface mining
9 operations.

10 SECTION 45. AMENDATORY 45 O.S. 2021, Section 742.2, is
11 amended to read as follows:

12 Section 742.2 As used in this act:

13 1. "Acid drainage" means water with a pH of less than 6.0
14 Standard Units and in which total acidity exceeds total alkalinity,
15 discharged from active, inactive, or abandoned mines and from areas
16 affected by surface coal mining and reclamation operations-i

17 2. "Acid-forming materials" means earth materials that contain
18 sulfide minerals or other materials which, if exposed to air, water,
19 or weathering processes, will result in the formation of acids that
20 may create acid drainage-i

21 3. "Adjacent area" means land located outside the affected
22 area, permit area, or mine plan area, depending on the context in
23 which "adjacent area" is used, where air, surface or ground water,
24 fish, wildlife, vegetation or other resources protected by this act

1 may be adversely impacted by surface coal mining and reclamation
2 operations-;

3 4. "Affected area" means, with respect to surface mining
4 activities, any land or water upon or in which those activities are
5 conducted or located. With respect to underground mining
6 activities, "affected area" means any water or surface land upon or
7 in which those activities are conducted or located, and land or
8 water which is located above underground mine workings-;

9 5. "Approximate original contour" means that surface
10 configuration achieved by backfilling and grading of the mined areas
11 so that the reclaimed area, including any terracing or access roads,
12 closely resembles the general surface configuration of the land
13 prior to mining and blends into and complements the drainage pattern
14 of the surrounding terrain, with all highwalls, spoil piles and coal
15 refuse piles eliminated. Water impoundments may be permitted where
16 the regulatory authority determines that they are in compliance with
17 Section 745.18 of this title and applicable rules and regulations-;

18 6. "Aquifer" means a zone, stratum, or group of strata confined
19 or unconfined, including perched conditions, that can store and
20 transmit water in sufficient quantities for a specific use-;

21 7. "Auger mining" means a method of mining coal at a cliff or
22 highwall by drilling holes laterally into an exposed coal seam from
23 the highwall and transporting the coal along an auger bit to the
24 surface-;

1 8. "Box cut" means the first open cut in strip mining which
2 results in the placing of overburden on unmined land adjacent to the
3 initial pit and outside the area to be mined-; i

4 9. "Coal exploration" means the gathering of surface or
5 subsurface geologic, physical, or chemical data by mapping,
6 trenching, drilling, geophysical or other techniques necessary to
7 determine the quality and quantity of overburden and coal of an area
8 and the gathering of environmental data to establish the conditions
9 of the area beginning before surface coal mining and reclamation
10 operations-; i

11 10. "Coal processing plant" means a collection of facilities
12 where run-of-the-mine coal is prepared for market by chemical or
13 physical processing, and separated from its impurities. The
14 processing plant may consist of, but not be limited to, the
15 following support facilities: loading facilities; storage and
16 stockpile facilities; shed, shops and other buildings; water
17 treatment and water storage facilities; settling basins and
18 impoundments; coal processing and other waste disposal areas; roads,
19 railroads and other transport facilities; and utilities-; i

20 11. "Consolidated material" means material of sufficient
21 hardness or ability to resist weathering and to inhibit erosion or
22 sloughing-; i

23 12. "Department" means the ~~office of the Chief Mine Inspector~~
24 Department of Environmental Quality and Division of Mines housed

1 therein, including all employees, agents, deputies, and
2 representatives of the Department, herein called the Department of
3 ~~Mines and Mining~~ Environmental Quality, or such department, bureau
4 or commission as may lawfully succeed to the powers and duties of
5 such department, having primary responsibility for administering all
6 titles of the Surface Mining Law-;

7 13. "Division Director" means the ~~Chief Mine Inspector~~ Division
8 Director of the ~~State of Oklahoma~~ Division of Mines of the
9 Department of Environmental Quality or such officer, bureau or
10 commission as may lawfully succeed to the powers and duties of such
11 ~~Chief Mine Inspector~~ Division Director or such employee, agent,
12 deputy or representative of the ~~Chief Mine Inspector~~ Division
13 Director as shall be designated by the ~~Chief Mine Inspector~~ Division
14 Director to perform any actions required by this act-;

15 14. "Disturbed area" means an area where vegetation, topsoil,
16 or overburden is removed by surface coal mining operations or upon
17 which topsoil, spoil, coal processing waste or noncoal waste is
18 placed. Those areas are "disturbed" until reclamation of those
19 areas is complete and the bond or other assurance of performance is
20 released-;

21 15. "Diversion" means a channel, embankment, or other manmade
22 structure constructed for the purpose of diverting the flow of water
23 from one area to another:
24

1 a. Permanent diversion means a diversion remaining after
2 surface coal mining and reclamation are completed and
3 which has been approved for retention by the
4 Department and other appropriate state and federal
5 agencies,

6 b. Temporary diversion means a diversion which is used
7 during coal exploration or surface coal mining and
8 reclamation operations, and not approved by the
9 Department to remain after reclamation as part of the
10 approved postmining land use-; i

11 16. "Ephemeral stream" means a stream which flows only in
12 direct response to precipitation in the immediate watershed or in
13 response to the melting of snow and ice, and which has a channel
14 bottom that is always above the local water table-; i

15 17. "Ground water" means subsurface water that fills available
16 openings in rock or soil materials such that they may be considered
17 water-saturated-; i

18 18. "Head-of-hollow fill" means a fill structure consisting of
19 any material, other than coal processing waste and organic material,
20 placed in the uppermost reaches of a hollow where side slopes of the
21 existing hollow measured at the steepest point are greater than
22 twenty (20) degrees or the average slope of the profile of the
23 hollow from the toe of the fill to the top of the fill is greater
24 than ten (10) degrees. In fills with less than two hundred fifty

1 thousand (250,000) cubic yards of material, associated with contour
2 mining, the top surface of the fill will be at the elevation of the
3 coal seam. In all other head-of-hollow fills, the top surface of
4 the fill, when completed, is at approximately the same elevation as
5 the adjacent ridge line, and no significant area of natural drainage
6 occurs above the fill draining into the fill area-;

7 19. "Highwall" means the face of exposed overburden and coal in
8 an open cut of a surface or for entry to an underground coal mine-;

9 20. "Hydrologic balance" means the relationship between the
10 quality and quantity of inflow to, outflow from and storage in a
11 hydrologic unit such as a drainage basin, aquifer, soil zone, lake,
12 or reservoir. It encompasses the quantity and quality relationships
13 between precipitation, runoff, evaporation, and the change in ground
14 and surface water storage-;

15 21. "Hydrologic regime" means the entire state of water
16 movement in a given area. It is a function of the climate, and
17 includes the phenomena by which water first occurs as atmospheric
18 water vapor, passes into a liquid or solid form and falls as
19 precipitation, moves along or into the ground surface, and returns
20 to the atmosphere as vapor by means of evaporation and
21 transpiration-;

22 22. "Imminent danger to the health and safety of the public"
23 means the existence of any condition or practice, or any violation
24 of a permit or other requirements of this act in a surface coal

1 mining and reclamation operation, which condition, practice, or
2 violation could reasonably be expected to cause substantial physical
3 harm to persons outside the permit area before such condition,
4 practice, or violation can be abated. A reasonable expectation of
5 death or serious injury before abatement exists if a rational
6 person, subjected to the same condition or practice giving rise to
7 the peril, would not expose oneself to the danger during the time
8 necessary for abatement-;

9 23. "Impoundment" means a closed basin, naturally formed or
10 artificially built, which is dammed or excavated for the retention
11 of water, sediment, or waste-;

12 24. "In situ processes" means activities conducted on the
13 surface or underground in connection with in-place distillation,
14 retorting, leaching, or other chemical or physical processing of
15 coal, to include, but not be limited to, in situ gasification, in
16 situ leaching, slurry mining, solution mining, bore hole mining and
17 fluid recovery mining-;

18 25. "Intermittent stream" means a stream or reach of a stream
19 that drains a watershed of at least one (1) square mile, or a stream
20 or reach of a stream that is below the local water table for at
21 least some part of the year, and obtains its flow from both surface
22 runoff and ground water discharge-;

23 26. "Operator" means any person, partnership, firm or
24 corporation engaged in coal mining who removes or intends to remove

1 more than two hundred fifty (250) tons from the earth within twelve
2 (12) consecutive months in any one location;

3 27. "Other minerals" means clay, stone, sand, gravel,
4 metalliferous and nonmetalliferous ores, and any other solid
5 material or substances of commercial value excavated in solid form
6 from natural deposits on or in the earth, exclusive of coal and
7 those minerals which occur naturally in liquid or gaseous form;

8 28. "Overburden" means all of the earth and other materials,
9 excluding topsoil, which lie above natural deposits of coal and
10 other minerals, and also means such earth and other materials
11 disturbed from their natural state in the process of surface
12 mining;

13 29. "Peak" means an upward projecting point of overburden
14 created in the surface mining process;

15 30. "Perennial stream" means a stream or part of a stream that
16 flows continuously during all of the calendar year as a result of
17 groundwater discharge or surface runoff;

18 31. "Performance bond" means the indemnity instrument in a sum
19 certain, supported by a surety's guarantee, pledge of collateral or
20 other acceptable contractual guarantee, by which the permit
21 applicant assures faithful performance of all the applicable permit
22 requirements of this act and the rules and regulations promulgated
23 thereunder;

24

1 32. "Permit" means a permit to conduct surface coal mining and
2 reclamation operations issued by the Department pursuant to state
3 law-; i

4 33. "Permit area" means the area, including all natural and
5 human resources, included within the boundaries specified in a
6 permit, whether or not the areas will be impacted by surface coal
7 mining and reclamation operations, which are designated on the
8 approved maps submitted by the applicant with his permit application
9 and covered by the performance and reclamation bonds as required-; i

10 34. "Permittee" means a person holding a "permit" to conduct
11 surface coal mining and reclamation operations issued by the
12 Department pursuant to state law-; i

13 35. "Pit" means a tract of land from which overburden or
14 minerals have been or are being removed in the process of surface
15 mining-; i

16 36. "Prime farmland" means lands which meet the criteria of the
17 Department, which shall prescribe criteria at least as stringent as
18 criteria prescribed by the United States Secretary of Agriculture on
19 the basis of such factors as moisture availability, temperature
20 regime, chemical balance, permeability, surface layer composition,
21 susceptibility to flooding, and erosion characteristics, and which
22 historically have been used for intensive agricultural purposes-; i

23 37. "Reclamation" means, through the process of backfilling,
24 regrading, topsoil replacement, reutilization, and revegetation

1 activities, the bringing back of land to its approximate original
2 contours and configuration, and resulting in an equal or better land
3 use category, and shall be consistent with the existing surrounding
4 environment-;

5 38. "Reference areas" means land units of varying size and
6 shape identified and maintained under appropriate management for the
7 purpose of measuring ground cover, productivity and species
8 diversity that are produced naturally or by crop production methods
9 approved by the Department. Reference areas must be representative
10 of geology, soils, slope, aspect and vegetation in the permit area-;

11 39. "Refuse" means all waste material directly connected with
12 the production, cleaning or preparation of coal or other minerals
13 which have been mined by either underground or surface mining
14 method-;

15 40. "Regulatory authority" means the Department of ~~Mines and~~
16 ~~Mining.~~ Environmental Quality;

17 41. "Ridge" means a lengthened elevation of overburden created
18 in the surface mining process-;

19 42. "Significant, imminent environmental harm to land, air or
20 water resources" is determined as follows:

21 a. An environmental harm is any adverse impact on land,
22 air, or water resources, including but not limited to,
23 plant and animal life,
24

1 b. An environmental harm is imminent if a condition,
2 practice or violation exists which:

3 (1) is causing such harm or,

4 (2) may reasonably be expected to cause such harm at
5 any time before the end of the reasonable
6 abatement time that would be set under Section
7 775 of this title,

8 c. An environmental harm is significant if that harm is
9 appreciable and not immediately reparable;i

10 43. "Slope" means average inclination of a surface, measured
11 from the horizontal; normally expressed as a unit of vertical
12 distance to a given number of units of horizontal distance (e.g.,
13 one unit vertical (1v) to five units horizontal (5h) = 11.3
14 degrees)i

15 44. "Soil horizons" means contrasting layers of soil lying one
16 below the other, parallel or near parallel to the land surface.
17 Soil horizons are differentiated on the basis of field
18 characteristics and laboratory data. The three (3) major soil
19 horizons are:

20 a. "A horizon". The uppermost layer in the soil profile
21 often called the surface soil. It is the part of the
22 soil in which organic matter is most abundant and
23 where leaching of soluble or suspended particles is
24 the greatest,

1 b. "B horizon". The layer immediately beneath the A
2 horizon and often called the subsoil. This middle
3 layer commonly contains more clay, iron or aluminum
4 than the A or C horizons, and

5 c. "C horizon". The deepest layer of the soil profile.
6 It consists of loose material or weathered rock that
7 is relatively unaffected by biologic activity-;

8 45. "Spoil" means displaced overburden-;

9 46. "Strip mining" means those mining operations carried out by
10 removing the overburden lying above natural deposits of coal and
11 other minerals, and mining directly from such natural deposits
12 thereby exposed, but excludes auger mining, quarrying, dredging,
13 pumping or the use of hydraulic methods-;

14 47. "Substantially disturb" means, for purposes of coal
15 exploration, to significantly impact upon land, air or water
16 resources by such activities as blasting, mechanical excavation of
17 land, drilling or altering coal or water exploratory holes or wells,
18 construction or creation of roads and other access routes, and the
19 placement of structures, excavated earth or other debris upon the
20 surface of land-;

21 48. "Surface coal mining and reclamation operations" means
22 surface mining operations and all activities necessary and incident
23 to the reclamation of such operations-;

24 49. "Surface coal mining operations" means:

1 a. Activities conducted on the surface of lands in
2 connection with a surface coal mine or surface
3 operations and surface impacts incident to an
4 underground coal mine. Such activities include
5 excavation for the purpose of obtaining coal,
6 including such common methods as contour, strip,
7 auger, mountaintop removal, box cut, open pit, and
8 area mining, the uses of explosives and blasting, in
9 situ distillation or retorting, leaching or other
10 chemical or physical processing, and the cleaning,
11 concentrating, or other processing or preparation,
12 loading of coal at or near the mine site. Such
13 activities do not include the extraction of coal
14 incidental to the extraction of other minerals where
15 coal does not exceed sixteen and two-thirds percent
16 (16 2/3%) of the tonnage of minerals removed for the
17 purposes of commercial use or sale or coal
18 exploration, subject to Section 745.11 of this title,
19 and

20 b. The areas upon which such activities occur or where
21 such activities disturb the natural land surface.
22 Such areas shall also include any adjacent land, the
23 use of which is incidental to any such activities, all
24 lands affected by the construction of new roads or

1 improvement or use of existing roads to gain access to
2 the site of such activities and for haulage and
3 excavations, workings, impoundments, dams, ventilation
4 shafts, entryways, refuse banks, dumps, stockpiles,
5 overburden piles, spoil banks, culm banks, tailings,
6 holes or depressions, repair areas, storage areas,
7 processing areas, shipping areas and other areas upon
8 which are sited structures, facilities, or other
9 property or materials on the surface, resulting from
10 or incident to such activities-;:

11 50. "Surface water" means water, either flowing or standing, on
12 the surface of the earth-;:

13 51. "Topsoil" means the "A" soil horizon, which is the
14 uppermost layer of the three (3) major soil horizons-;:

15 52. "Underground mining activities" means a combination of:

- 16 a. surface operations incident to underground extraction
17 of coal or in situ processing, such as construction,
18 use, maintenance, and reclamation of roads, above-
19 ground repair areas, storage areas, processing areas,
20 shipping areas, areas upon which are sited support
21 facilities including hoist and ventilating ducts,
22 areas utilized for the disposal and storage of waste,
23 and areas on which materials incident to underground
24 mining operations are placed, and

1 b. underground operations such as underground
2 construction, operation, and reclamation of shafts,
3 adits, underground support facilities, in situ
4 processing, and underground mining, hauling, storage,
5 and blasting, and

6 c. the areas in which activities enumerated above occur
7 or where such activities disturb the natural land
8 surface-;

9 53. "Unwarranted failure to comply" means the failure of a
10 permittee to prevent the occurrence of any violation of his permit
11 or any requirement of this act due to indifference, lack of
12 diligence, or lack of reasonable care, or the failure to abate any
13 violation of such permit or the act due to indifference, lack of
14 diligence, or lack of reasonable care-; and

15 54. "Water table" means the upper surface of a zone of
16 saturation, where the body of ground water is not confined by an
17 overlying impermeable zone.

18 SECTION 46. AMENDATORY 45 O.S. 2021, Section 745.1, is
19 amended to read as follows:

20 Section 745.1 A. It shall be unlawful for any operator to
21 engage in any mining operations in this state without first
22 obtaining from the Department of Environmental Quality a permit to
23 do so for each separate mining operation. The Department shall
24

1 determine what constitutes a separate mining operation by rules and
2 regulations promulgated under the Coal Reclamation Act of 1979.

3 B. Any operator desiring to engage in surface mining eight (8)
4 months after the approval of Oklahoma's regulatory program by the
5 United States Secretary of the Interior shall make written
6 application to the Department for a permit within two (2) months
7 after the approval of the state program. Before the approval of the
8 Oklahoma program by the Secretary of the Interior, the requirements
9 of the Coal Reclamation Act of 1978 shall continue to apply to all
10 permits for coal mining covered by the Coal Reclamation Act of 1979.

11 Application for such permit shall be made upon a form furnished by
12 the Department, which form shall require all pertinent information
13 including, but not limited to, all information required by federal
14 law and regulations.

15 C. Any operator desiring to engage in underground mining shall
16 make written application to the Department for a permit within two
17 (2) months after approval of the state program. Application for
18 such permit shall be made upon a form furnished by the Department,
19 which form shall require all pertinent information including, but
20 not limited to, all information required by federal law and
21 regulations for underground coal mining, taking into account the
22 distinct differences between surface coal mining and underground
23 coal mining.

24

1 D. Each application for a permit under subsections B and C of
2 this section shall be accompanied by a plan for the reclamation of
3 the affected land that meets the requirements of the Coal
4 Reclamation Act of 1979.

5 E. Each application for a permit or permit renewal under
6 subsections B and C of this section shall be accompanied by a fee of
7 Five Hundred Dollars (\$500.00) for each permit year, payable at the
8 rate of Five Hundred Dollars (\$500.00) per year on the anniversary
9 date of the year in which the permit or permit renewal was issued.
10 Such fee shall be deposited in the Department of ~~Mines~~ Environmental
11 Quality Revolving Fund established in Section 2-3-401 of Title 27A
12 of the Oklahoma Statutes and used to offset the cost of reviewing,
13 administering and enforcing such permit issued pursuant to a state
14 or federal program. Once mining operations have permanently
15 terminated, no further permit fee shall be required of the operator.

16 F. The provisions of the Coal Reclamation Act of 1979 shall not
17 apply to the extraction of coal by a landowner for his own
18 noncommercial use from land owned or leased by him, or the
19 extraction of coal as an incidental part of federal, state or local
20 government-financed highway or other construction under regulations
21 established by the Department.

22 SECTION 47. AMENDATORY 45 O.S. 2021, Section 745.2, is
23 amended to read as follows:

24

1 Section 745.2 All permits issued pursuant to the requirements
2 of this act shall be issued for a term not to exceed five (5) years.
3 A successor in interest to a permittee who applies for a new permit
4 within thirty (30) days of succeeding to such interest and who is
5 able to obtain the bond coverage of the original permittee may, upon
6 payment of a fee of Five Hundred Dollars (\$500.00) to the Department
7 of Environmental Quality, continue surface coal mining and
8 reclamation operations according to the approved mining and
9 reclamation plan of the original permittee until such successor's
10 application is granted or denied.

11 SECTION 48. AMENDATORY 45 O.S. 2021, Section 745.3, is
12 amended to read as follows:

13 Section 745.3 A permit shall terminate if the permittee has not
14 commenced the surface coal mining operations covered by such permit
15 within three (3) years of the issuance of the permit. The
16 Department of Environmental Quality may grant reasonable extensions
17 of time upon a showing and a finding by the Department that such
18 extensions are necessary by reason of litigation precluding such
19 commencement or threatening substantial economic loss to the
20 permittee, or by reason of conditions beyond the control and without
21 the fault or negligence of the permittee; provided, further that
22 with respect to coal to be mined for use in a synthetic fuel
23 facility or specific major electric generating facility, the
24 permittee shall be deemed to have commenced surface mining

1 operations at such time as the construction of the synthetic fuel or
2 generating facility is initiated.

3 SECTION 49. AMENDATORY 45 O.S. 2021, Section 745.4, is
4 amended to read as follows:

5 Section 745.4 Any valid permit issued pursuant to this act
6 shall carry with it the right of successive renewal with respect to
7 areas within the boundaries of the existing permit. The holders of
8 the permit may apply for renewal and such renewal shall be issued,
9 provided that on application for renewal the burden shall be on the
10 opponents of renewal, subsequent to fulfillment of the public notice
11 requirements of Sections ~~15~~ 745.12 and ~~17~~ 745.14 of this ~~act~~ title
12 unless it is established that and written findings by the Department
13 of Environmental Quality are made declaring:

14 1. The terms and conditions of the existing permit are not
15 being satisfactorily met;

16 2. The present surface coal mining and reclamation operation is
17 not in compliance with the environmental protection standards of
18 this act and the state program;

19 3. The renewal requested substantially jeopardizes the
20 operator's continuing responsibility on existing permit areas;

21 4. The operator has not provided evidence that the performance
22 bond in effect for said operation will continue in full force and
23 effect for any renewal requested in such application as well as any
24 additional bond the Department might require; or

1 5. Any additional revised or updated information required by
2 the Department has not been provided. Prior to the approval of any
3 renewal of permit the Department shall provide notice to the
4 appropriate public authorities.

5 If an application for renewal of a valid permit includes a
6 proposal to extend the mining operation beyond the boundaries
7 authorized in the existing permit, the portion of the application
8 for renewal of a valid permit which addresses any new land areas
9 shall be subject to the full standards applicable to new
10 applications under this act.

11 Any permit renewal shall be for a term not to exceed the period
12 of the original permit established by this act. Application for
13 permit renewal shall be made at least one hundred twenty (120) days
14 prior to the expiration of the valid permit.

15 SECTION 50. AMENDATORY 45 O.S. 2021, Section 745.5, is
16 amended to read as follows:

17 Section 745.5 A. Each applicant for a permit shall be required
18 to submit to the Department of Environmental Quality as part of the
19 permit application a reclamation plan which shall meet the
20 requirements of this act. Each reclamation plan submitted as part
21 of a permit application shall include, in the degree of detail
22 necessary to demonstrate that reclamation required can be
23 accomplished, a statement of:

24

1 1. The identification of the lands subject to surface coal
2 mining operations over the estimated life of those operations and
3 the size, sequence and timing of the subareas for which it is
4 anticipated that individual permits for mining will be sought;

5 2. The condition of the land to be covered by the permit prior
6 to any mining including:

7 a. the uses existing at the time of the application, and
8 if the land has a history of previous mining, the uses
9 which preceded any mining,

10 b. the capability of the land prior to any mining to
11 support a variety of uses giving consideration to soil
12 and foundation characteristics, topography, vegetative
13 cover and, if applicable, a soil survey, and

14 c. the productivity of the land prior to mining,
15 including appropriate classification as prime
16 farmlands, as well as the average yield of food,
17 fiber, forage or wood products from such lands
18 obtained under high levels of management;

19 3. The use which is proposed to be made of the land following
20 reclamation, including a discussion of the utility and capacity of
21 the reclaimed land to support a variety of alternative uses and the
22 relationship of such use to existing land use policies and plans,
23 and the comments of any owner of the surface, state and local
24 governments or agencies thereof which would have to initiate,

1 implement, approve or authorize the proposed use of the land
2 following reclamation;

3 4. A detailed description of how the proposed postmining land
4 use is to be achieved and the necessary support activities which may
5 be needed to achieve the proposed land use;

6 5. The engineering techniques proposed to be used in mining and
7 reclamation and a description of the major equipment; a plan for the
8 control of surface water drainage and of water accumulation; a plan,
9 where appropriate, for backfilling, soil stabilization, and
10 compacting, grading and appropriate revegetation; a plan for soil
11 reconstruction, replacement and stabilization; an estimate of the
12 cost per acre of the reclamation, including a statement as to how
13 the permittee plans to comply with each of the requirements of
14 Oklahoma mining reclamation law;

15 6. The consideration which has been given to maximize the
16 utilization and conservation of the solid fuel resource being
17 recovered so that re-affecting the land in the future can be
18 minimized;

19 7. A detailed estimated timetable for the accomplishment of
20 each major step in the reclamation plan;

21 8. The consideration which has been given to making the surface
22 mining and reclamation operations consistent with surface owner
23 plans, and applicable state and local land use plans and programs;

24

1 9. The steps to be taken to comply with applicable air and
2 water quality laws and regulations and any applicable health and
3 safety standards;

4 10. The consideration which has been given to developing the
5 reclamation plan in a manner consistent with local physical
6 environmental, and climatological conditions;

7 11. All lands, interests in lands, or options on such interests
8 held by the applicant or pending bids on interests in lands by the
9 applicant, which lands are contiguous to the area to be covered by
10 the permit;

11 12. The results of test boring which the applicant has made at
12 the area to be covered by the permit, or other equivalent
13 information and data, including the location of subsurface water,
14 and an analysis of the chemical properties including acid-forming
15 properties of the coal and other minerals and overburden.

16 Information which pertains only to the analysis of the chemical and
17 physical properties of the coal shall be kept confidential and not
18 made a matter of public record. Information regarding mineral or
19 elemental contents which are potentially toxic in the environment
20 shall be a part of the public record;

21 13. A detailed description of the measures to be taken during
22 the mining and reclamation process to assure the protection of:
23
24

- 1 a. the quality of surface and ground water systems, both
2 on- and off-site, from adverse effects of the mining
3 and reclamation process,
4 b. the rights of present users to such water, and
5 c. the quantity of surface and ground water systems, both
6 on- and off-site, from adverse effects of the mining
7 and reclamation process or to provide alternative
8 sources of water where such protection of quantity
9 cannot be assured; and

10 14. Such other requirements as the Department shall prescribe
11 by regulations.

12 B. Any information required by this section which is not on
13 public file pursuant to state law shall be held in confidence by the
14 Department. Information which pertains only to the chemical and
15 physical properties of the coal, except those properties which are
16 potentially toxic in the environment, shall be kept confidential and
17 not made a matter of public record.

18 SECTION 51. AMENDATORY 45 O.S. 2021, Section 745.6, is
19 amended to read as follows:

20 Section 745.6 A. After a surface coal mining and reclamation
21 permit application has been approved but before such a permit is
22 issued, the applicant shall file with the Department of
23 Environmental Quality, on a form prescribed and furnished by the
24 Department, a bond for performance payable to the state, and

1 conditional upon faithful performance of all the requirements of law
2 and the permit. Such bond shall be signed by the operator as
3 principal, and by a good and sufficient corporate surety licensed to
4 do business in the state. The bond shall cover that area of land
5 within the permit area upon which the operator will initiate and
6 conduct surface coal mining and reclamation operations within the
7 initial term of the permit. Bonding will occur in one-year
8 increments for the life of the permit and shall cover that segment
9 of the permit area to be affected during the increment. As one-year
10 increments of surface coal mining and reclamation operations are to
11 be initiated and conducted within the permit area, the permittee
12 shall file with the Department an additional bond or bonds to cover
13 such increments in accordance with this section.

14 B. The amount of the bond required for each bonded area shall
15 depend upon the reclamation requirements of the approved permit, and
16 shall reflect the probable difficulty of reclamation and giving
17 consideration to such factors as topography, geology of the site,
18 hydrology, and revegetation potential, and shall be determined by
19 the Department. The amount of the bond for coal mining shall be
20 sufficient to assure the completion of the reclamation plan if the
21 work had to be performed by the Department in the event of
22 forfeiture, and in no case shall the bond for the entire area under
23 one permit be less than Ten Thousand Dollars (\$10,000.00) unless the
24 permit area is less than sixty-seven (67) acres, in which case a

1 minimum bond of fifteen percent (15%) of the total original bond
2 shall be maintained until completion of the reclamation.

3 Liability under a surface coal mining bond shall be for the
4 duration of the surface coal mining and reclamation operation and
5 for a period coincident with the operator's responsibility for
6 revegetation requirements. The bond shall be executed by the
7 operator and a corporate surety licensed to do business in Oklahoma,
8 except that the operator may elect to deposit cash, negotiable bonds
9 of the United States Government or of Oklahoma, negotiable
10 certificates of deposit of any bank organized or transacting
11 business in the United States, Certificates of Deposit or
12 irrevocable letters of credit from a bank or lending institution
13 licensed to do business in the State of Oklahoma. The cash deposit
14 or market value of such securities shall be equal to or greater than
15 the amount of the bond required for the bonded area.

16 C. A bond shall not be cancelable by the surety except after
17 not less than ninety (90) days' prior written notice to the
18 Department and the arrangement of a replacement bond suitable to the
19 Department. Bonds may be continued in effect from year to year, and
20 a new bond need not be provided for each permit year. The penalty
21 of the bond or amount of cash and securities, as provided in
22 subsection B of this section, shall be increased or reduced from
23 time to time as affected land acreages are increased or decreased or
24 when the cost of future reclamation changes.

1 D. If the license to do business in the state of any surety
2 upon a bond filed with the Department pursuant to the Coal
3 Reclamation Act of 1979 shall be suspended or revoked, the operator,
4 within thirty (30) days after receiving notice thereof from the
5 Department, shall substitute for such surety a good and sufficient
6 corporate surety licensed to do business in the state. Upon failure
7 of the operator to make substitution of surety as provided in this
8 section, the Department shall have the right to suspend the permit
9 of the operator to conduct operations upon the land described in
10 such permit until such substitution has been made.

11 E. The Department may accept the bond of the applicant itself
12 without separate surety when the applicant demonstrates to the
13 satisfaction of the Department the existence of a suitable agent to
14 receive service of process, and a history of financial solvency and
15 continuous operation sufficient for authorization to self-insure or
16 bond such amount.

17 F. Such bond or security shall remain in effect until the mined
18 acres have been reclaimed, approved and released by the Department.

19 SECTION 52. AMENDATORY 45 O.S. 2021, Section 745.8, is
20 amended to read as follows:

21 Section 745.8 No permit or revision application shall be
22 approved unless the application affirmatively demonstrates and the
23 Department of Environmental Quality finds in writing, on the basis
24 of the information set forth in the application or from information

1 otherwise available, which will be documented in the approval and
2 made available to the applicant, that:

3 1. The permit application is accurate and complete and that all
4 the requirements of this act have been complied with;

5 2. The applicant has demonstrated that reclamation as required
6 by this act can be accomplished under the reclamation plan contained
7 in the permit application;

8 3. The assessment of the probable cumulative impact of all
9 anticipated mining in the area on the hydrologic balance has been
10 made by the Department and the proposed operation has been designed
11 to prevent material damage to hydrologic balance outside the permit
12 area;

13 4. The area proposed to be mined is not included within an area
14 designated unsuitable for surface coal mining, or is not within an
15 area under study for such designation unless the operator
16 demonstrates he has made substantial legal and financial commitments
17 to the operation prior to January 1, 1977; and

18 5. In cases when the private coal or other mineral estate has
19 been severed from the private surface estate, the applicant has
20 submitted to the Department:

- 21 a. the written consent of the surface owner to the
22 extraction of coal by surface mining methods, or
23 b. a conveyance that expressly grants or reserves the
24 right to extract the coal by surface mining methods.

1 If the conveyance does not expressly grant the right to extract
2 coal by surface mining methods, the surface-subsurface legal
3 relationship shall be determined in accordance with state law.
4 Nothing in this act shall be construed to authorize the Department
5 to adjudicate property rights disputes.

6 SECTION 53. AMENDATORY 45 O.S. 2021, Section 745.9, is
7 amended to read as follows:

8 Section 745.9 The applicant shall file with his permit
9 application a schedule listing all notices of violations of this act
10 and any law, rule or regulation of the United States, or of any
11 department or agency in the United States, pertaining to air or
12 water environmental protection incurred by the applicant in
13 connection with any surface coal mining operation during the three-
14 year period prior to the date of application. The schedule shall
15 also indicate the final resolution of any such notice of violation.
16 When the schedule or other information available to the Department
17 of Environmental Quality indicates that any surface coal mining
18 operation owned or controlled by the applicant is currently in
19 violation of this act or such other laws referred to in this
20 section, the permit shall not be issued until the applicant submits
21 proof that such violation has been corrected or is in the process of
22 being corrected to the satisfaction of the regulatory authority
23 which has jurisdiction over such violation. No permit shall be
24 issued to an applicant after a finding by the Department, after

1 opportunity for hearing, that the applicant or the operator
2 specified in the application, controls or has controlled mining
3 operations with a demonstrated pattern of willful violations of this
4 act or the laws of another state or the United States regulating
5 surface coal mining operations of such nature and duration with such
6 resulting irreparable damage to the environment as to indicate an
7 intent not to comply with the provisions of this act.

8 SECTION 54. AMENDATORY 45 O.S. 2021, Section 745.10, is
9 amended to read as follows:

10 Section 745.10 A. 1. During the term of the permit the
11 permittee may submit an application for a revision of the permit,
12 together with a revised reclamation plan, to the Department of
13 Environmental Quality. The Department shall promulgate by rule a
14 definition of a major revision and a minor revision. The fees for
15 an application for a revision shall be:

16 Major revision \$250.00
17 Minor revision \$100.00

18 Said fee shall be owing and due upon the Department's completion of
19 action upon the application and said fee shall be paid in full prior
20 to the issuance of any revised permit and the Department shall issue
21 said revised permit no later than five (5) days after payment. The
22 fees collected under this section shall be deposited in the
23 Department of ~~Mines~~ Environmental Quality Revolving Fund.

24

1 2. An application for a revision of a permit shall not be
2 approved unless the Department finds that reclamation as required by
3 this act can be accomplished under the revised reclamation plan. The
4 revision shall be approved or disapproved within a reasonable period
5 of time. The Department shall establish guidelines for a
6 determination of the scale or extent of a revision request for which
7 all permit application information requirements and procedures,
8 including notice and hearings, shall apply. Any revisions which
9 propose significant alterations in the reclamation plan shall, at a
10 minimum, be subject to notice and hearing requirements.

11 3. Any extensions to the area covered by the permit except
12 incidental boundary revisions shall be made by application for
13 another permit.

14 B. The Department shall, within a time limit prescribed in
15 regulations, review outstanding permits and may require reasonable
16 revision or modification of the permit provisions during the term of
17 such permit. Such revision or modification shall be based upon a
18 written finding and subject to notice and hearing requirements
19 established by the Department.

20 SECTION 55. AMENDATORY 45 O.S. 2021, Section 745.11, is
21 amended to read as follows:

22 Section 745.11 A. Coal exploration operations which
23 substantially disturb the natural land surface shall be conducted in
24 accordance with exploration regulations issued by the Department of

1 Environmental Quality. Such regulations shall include, at a
2 minimum:

3 1. The requirement that prior to conducting any exploration
4 under this section, any person shall file with the Department notice
5 of intention to explore, and such notice shall include a description
6 of the exploration area and the period of supposed exploration; and

7 2. Provisions for reclamation, in accordance with the surface
8 coal mining operations performance standards of this act, of all
9 lands disturbed in exploration, including excavations, roads, drill
10 holes and the removal of necessary facilities and equipment.

11 B. Information submitted to the Department pursuant to this
12 subsection which is designated in writing as confidential,
13 concerning trade secrets or privileged commercial or financial
14 information which relates to the competitive rights of the person or
15 entity intended to explore the described area, shall not be
16 available for public examination.

17 C. No operator shall remove more than two hundred fifty (250)
18 tons of coal pursuant to an exploration permit without the specific
19 written approval of the Department.

20 D. Any person violating this section shall be subject to the
21 penalty provisions of this act.

22 SECTION 56. AMENDATORY 45 O.S. 2021, Section 745.12, is
23 amended to read as follows:

24

1 Section 745.12 At the time of submission of an application for
2 a surface coal mining and reclamation permit, or revision of an
3 existing permit, the applicant shall submit to the Department of
4 Environmental Quality a copy of his advertisement of the ownership,
5 precise location and boundaries of the land to be affected. At the
6 time of submission such advertisement shall be placed by the
7 applicant in a local newspaper of general circulation in the
8 locality of the proposed surface mine at least once a week for four
9 (4) consecutive weeks. The Department shall notify various local
10 governmental bodies, planning agencies, sewage and water treatment
11 authorities and water companies in the locality in which the
12 proposed surface mining will take place notifying them of the
13 operator's intention to surface mine a particularly described tract
14 of land and indicating the application's permit number and where a
15 copy of the proposed mining and reclamation plan may be inspected.
16 These local bodies, agencies, authorities or companies may submit
17 written comments within a reasonable period established by the
18 Department on the mining applications with respect to the effect of
19 the proposed operation on the environment which are within their
20 areas of responsibility. Such comments shall immediately be
21 transmitted to the applicant by the Department and shall be made
22 available to the public at the same locations as are the mining
23 applications.

24

1 SECTION 57. AMENDATORY 45 O.S. 2021, Section 745.13, is
2 amended to read as follows:

3 Section 745.13 A. Any person having an interest which is or
4 may be adversely affected, or the chief administrative officer of
5 any federal, state or local governmental agency or authority, shall
6 have the right to file written objections to the application for a
7 permit with the Department within thirty (30) days after the last
8 publication of the notice. Such objections shall immediately be
9 transmitted to the applicant by the Department of Environmental
10 Quality and shall be made available to the public. If written
11 objections are filed and an informal conference requested, the
12 Department shall then hold an informal conference in the locality of
13 the proposed mining. The date, time and location of such informal
14 conference shall be advertised by the Department in a newspaper of
15 general circulation in the locality at least two (2) weeks prior to
16 the scheduled conference date. The Department may arrange with the
17 applicant, upon request by any party to the application process,
18 access to the proposed mining area for the purpose of gathering
19 information relevant to the proceeding. An electronic or
20 stenographic record shall be made of the conference proceeding,
21 unless waived by all parties. Such record shall be maintained and
22 shall be accessible to the parties until final release of the
23 applicant's performance bond. In the event all parties requesting
24 the informal conference stipulate agreement prior to the requested

1 informal conference and withdraw their requests, such informal
2 conference need not be held.

3 B. Where the lands included in an application for a permit are
4 the subject of a federal coal lease in connection with which
5 hearings were held and determinations were made under the Mineral
6 Lands Leasing Act, as amended, 30 U.S.C. 201a, such hearings shall
7 be deemed as to the matters covered to satisfy the requirements of
8 this section and Section ~~17~~ 745.14 of this ~~act~~ title and such
9 determinations shall be deemed to be a part of the record and
10 conclusive for purposes of this section and Section ~~17~~ 745.14 of
11 this ~~act~~ title.

12 SECTION 58. AMENDATORY 45 O.S. 2021, Section 745.14, is
13 amended to read as follows:

14 Section 745.14 A. If an informal conference has been held, the
15 Department of Environmental Quality shall issue and furnish the
16 applicant and persons who are parties to the administrative
17 proceedings with the written finding of the Department, granting or
18 denying the permit in whole or in part and stating the reasons
19 therefor, within the sixty (60) days of the hearings in the informal
20 conference.

21 B. If no informal conference has been held, the Department
22 shall notify the applicant for a permit within a reasonable time,
23 whether the application has been approved or disapproved in whole or
24 in part.

1 C. If the application is approved, the permit shall be issued.
2 If the application is disapproved, specific reasons shall be set
3 forth in the notification. Within thirty (30) days after the
4 applicant is notified of the final decision of the Department on the
5 permit application, the applicant or any person with an interest
6 which is or may be adversely affected may request a hearing on the
7 reasons for the final determination. The Department shall hold a
8 hearing within thirty (30) days of such request and provide
9 notification to all interested parties at the time that the
10 applicant is so notified. Such hearing shall be of record,
11 adjudicatory in nature and no person who presided at an informal
12 conference shall either preside at the hearing or participate in
13 this decision or in any administrative appeal. Within thirty (30)
14 days after the hearing the Department shall issue and furnish the
15 applicant, and all persons who participated in the hearing, with the
16 written decision of the Department granting or denying the permit in
17 whole or in part and stating the reasons.

18 SECTION 59. AMENDATORY 45 O.S. 2021, Section 745.15, is
19 amended to read as follows:

20 Section 745.15 When a hearing is requested pursuant to this
21 act, the Department of Environmental Quality may, under such
22 conditions as it may prescribe, grant such temporary relief as it
23 deems appropriate pending final determination of the proceedings if:
24

1 1. All parties to the proceedings have been notified and given
2 an opportunity to be heard on a request for temporary relief;

3 2. The person requesting such relief shows that there is a
4 substantial likelihood that he will prevail on the merits of the
5 final determination of the proceeding; and

6 3. Such relief will not adversely affect the public health or
7 safety or cause significant imminent environmental harm to land, air
8 or water resources.

9 For the purpose of this and every hearing authorized by this
10 act, the Department may, pursuant to the Administrative Procedures
11 Act, administer oaths, subpoena witnesses, or written or printed
12 materials, compel attendance of the witnesses, or production of the
13 materials, and take evidence including, but not limited to, site
14 inspections of the land to be affected and other surface coal mining
15 operations carried on by the applicant in the general vicinity of
16 the proposed operation. A verbatim record of each public hearing
17 required by this act shall be made, and a transcript made available
18 on the motion of any party or by order of the Department.

19 Any applicant or any person with an interest which is or may be
20 adversely affected who has participated in the application process
21 as an objector, and who is aggrieved by the decision of the
22 Department, or if the Department fails to act within the time limits
23 specified in this act, shall have the right to appeal as provided by
24 Section ~~53~~ 786 of this ~~act~~ title.

1 SECTION 60. AMENDATORY 45 O.S. 2021, Section 745.16.1,
2 is amended to read as follows:

3 Section 745.16.1 The Department of Environmental Quality shall
4 operate a small operator assistance program to the extent required
5 by federal law, and shall provide such services as are necessary to
6 comply with the permanent regulatory program. The Department is
7 authorized to enter into a cooperative agreement with the Secretary
8 of the Interior regarding distribution of funds for the small
9 operator assistance program.

10 SECTION 61. AMENDATORY 45 O.S. 2021, Section 745.17, is
11 amended to read as follows:

12 Section 745.17 A. Each applicant for a surface coal mining and
13 reclamation permit shall file a copy of his application for public
14 inspection with the recorder at the courthouse of the county or an
15 appropriate public office approved by the Department of
16 Environmental Quality where the mining is proposed to occur, except
17 for that information pertaining to the coal seam itself.

18 B. Each applicant for a permit shall be required to submit to
19 the Department as part of the permit application a certificate
20 issued by an insurance company authorized to do business in the
21 United States certifying that the applicant has a public liability
22 insurance policy in force for the surface mining and reclamation
23 operations for which such permit is sought, or evidence that the
24 applicant has satisfied other state or federal self-insurance

1 requirements. Such policy shall provide for personal injury and
2 property damage protection in an amount adequate to compensate any
3 persons damaged as a result of surface coal mining and reclamation
4 operations including use of explosives and entitled to compensation
5 under the applicable provisions of state law. Such policy shall be
6 maintained in full force and effect during the terms of the permit
7 or any renewal, including the length of all reclamation operations.

8 C. Each applicant for a surface coal mining and reclamation
9 permit shall submit to the Department as part of the permit
10 application a blasting plan which shall outline the procedures and
11 standards by which the operator will meet the provisions of law.

12 SECTION 62. AMENDATORY 45 O.S. 2021, Section 745.19, is
13 amended to read as follows:

14 Section 745.19 The operator shall conduct any augering
15 operation associated with surface mining in a manner to maximize
16 recoverability of coal and other mineral reserves remaining after
17 the operation and reclamation are complete, and seal all auger holes
18 with an impervious and noncombustible material in order to prevent
19 drainage except where the Department of Environmental Quality
20 determines that the resulting impoundment of water in such auger
21 holes may create a hazard to the environment or the public health or
22 safety. The Department may prohibit augering if necessary to
23 maximize the utilization recoverability or conservation of the solid
24 fuel resources or to protect against adverse water quality impacts.

1 SECTION 63. AMENDATORY 45 O.S. 2021, Section 745.21, is
2 amended to read as follows:

3 Section 745.21 The operator shall refrain from surface coal
4 mining within five hundred (500) feet from active and abandoned
5 underground mines in order to prevent breakthroughs and to protect
6 health or safety of miners. The Department of Environmental Quality
7 shall permit an operator to mine near, through or partially through
8 an abandoned underground mine or closer to an active underground
9 mine if the nature, timing and sequencing of the approximate
10 coincidence of specific surface mine activities with specific
11 underground mine activities will result in improved resource
12 recovery, improved land use category abatement of water pollution,
13 or elimination of hazards to the health and safety of underground
14 miners and the public.

15 SECTION 64. AMENDATORY 45 O.S. 2021, Section 745.22, is
16 amended to read as follows:

17 Section 745.22 The operator shall insure that all reclamation
18 efforts proceed in an environmentally sound manner and as
19 contemporaneously as practicable with the surface coal mining
20 operations. Where the applicant proposes to combine surface mining
21 operations with underground mining operations to assure maximum
22 practical recovery of the coal and other mineral resources, the
23 Department of Environmental Quality may grant a variance for
24 specific areas within the reclamation plan from the requirement that

1 reclamation efforts proceed as contemporaneously as practicable to
2 permit underground mining operations prior to reclamation:

3 1. If the Department finds in writing that:

- 4 a. the applicant has presented, as part of the permit
5 application, specific, feasible plans for the proposed
6 underground mining operations,
- 7 b. the proposed underground mining operations are
8 necessary or desirable to assure maximum practical
9 recovery of the coal and other mineral resources and
10 will avoid multiple disturbance of the surface,
- 11 c. the applicant has satisfactorily demonstrated that the
12 plan for the underground mining operations conforms to
13 requirements for underground mining in the
14 jurisdiction and that permits necessary for the
15 underground mining operations have been issued,
- 16 d. the areas proposed for the variance have been shown by
17 the applicant to be necessary for the implementing of
18 the proposed underground mining operations,
- 19 e. no substantial adverse environmental damage, either
20 on-site or off-site, will result from the delay in
21 completion of reclamation as required by this act, and
- 22 f. provisions for the off-site storage of spoil will
23 comply with the requirements of this act;

1 2. If the United States Secretary of the Interior has
2 promulgated specific regulations to govern the granting of such
3 variances in accordance with the provisions of federal law, and has
4 imposed such additional requirements as he deems necessary;

5 3. If variances granted under the provisions of this section
6 are to be reviewed by the Department not more than three (3) years
7 from the date of issuance of the permit; and

8 4. If liability under the bond filed by the applicant with the
9 Department shall be for the duration of the underground mining
10 operations and until the requirements of this act have been fully
11 complied with.

12 SECTION 65. AMENDATORY 45 O.S. 2021, Section 751, is
13 amended to read as follows:

14 Section 751. The operator shall minimize the disturbances to
15 the prevailing hydrologic balance, at the mine site and in
16 associated offsite areas, and to the quality and quantity of water
17 in surface and ground water systems both during and after surface
18 coal mining operations and during reclamation by:

19 1. Avoiding acid or other toxic mine drainage by such measures
20 as, but not limited to:

21 a. preventing or removing water from contact with toxic
22 producing deposits,

23
24

1 b. treating drainage to reduce toxic content which
2 adversely affects downstream water upon being released
3 to water courses, and

4 c. casing, sealing, or otherwise managing boreholes,
5 shafts, and wells and keeping acid or other toxic
6 drainage from entering ground and surface waters;

7 2. a. Conducting surface coal mining operations so as to
8 prevent, to the extent possible using the best
9 technology currently available, additional
10 contributions of suspended solids to streamflow, or
11 runoff outside the permit area, but in no event shall
12 contributions be in excess of requirements set by
13 applicable state or federal law, and

14 b. constructing any siltation structures pursuant to this
15 paragraph prior to commencement of surface coal mining
16 operations. Such structures shall be certified by a
17 qualified registered engineer to be constructed as
18 designed and as approved in the reclamation plan;

19 3. Cleaning out and removing temporary or large settling ponds
20 or other siltation structures from drainways after disturbed areas
21 are revegetated and stabilized, and depositing the silt and debris
22 at a site and in a manner approved by the Department;

23 4. Restoring recharge capacity of the mined area to approximate
24 premining conditions;

1 5. Avoiding channel deepening or enlargement in operations
2 requiring the discharge of water from mines;

3 6. Preserving throughout the mining and reclamation process the
4 essential hydrologic functions of alluvial valley floors in the arid
5 and semiarid areas of the country; and

6 7. Such other actions as the Department of Environmental
7 Quality may prescribe.

8 SECTION 66. AMENDATORY 45 O.S. 2021, Section 752, is
9 amended to read as follows:

10 Section 752. The operator shall design, locate, construct,
11 operate, maintain, enlarge, modify and remove or abandon, in
12 accordance with the standards and criteria developed by the
13 Department of Environmental Quality, all existing and new coal mine
14 waste piles consisting of mine wastes, tailings, coal processing
15 wastes, or other liquid and solid wastes, and used either
16 temporarily or permanently as dams or embankments.

17 SECTION 67. AMENDATORY 45 O.S. 2021, Section 753, is
18 amended to read as follows:

19 Section 753. A. The operator shall ~~insure~~ ensure that
20 explosives are used only in accordance with existing state and
21 federal law and the regulations promulgated by the Department of
22 Environmental Quality, which shall require:

23 1. Adequate advance written notice to local governments and
24 residents who might be affected by the use of such explosives by

1 publication of the planned blasting schedule in a newspaper of
2 general circulation in the locality, and by mailing a copy of the
3 proposed blasting schedule to every resident living within one-half
4 (1/2) mile of the proposed blasting site and by providing daily
5 notice to resident/occupiers in such areas prior to any blasting;

6 2. Maintaining for a period of at least three (3) years and
7 making available for public inspection upon request a log detailing
8 the location of the blasts, the pattern and depth of the drill
9 holes, the amount of explosives used per hole, and the order and
10 length of delay in the blasts;

11 3. Limiting the type of explosives and detonating equipment,
12 the size, the timing and frequency of blasts based upon the physical
13 conditions of the site so as to prevent injury to persons, damage to
14 public and private property outside the permit area, adverse impacts
15 on any underground mine, and change in the course, channel, or
16 availability of ground or surface water outside the permit area;

17 4. All blasting operations be conducted by trained and
18 competent persons as certified by the Department;

19 5. Upon the request of a resident or owner of a man-made
20 dwelling or structure within one-half (1/2) mile of any portion of
21 the permitted area the applicant or permittee shall conduct a pre-
22 blasting survey of such structures and submit the survey to the
23 Department and a copy to the resident or owner making the request.
24 The area of the survey shall be decided by the Department; and

1 6. For the purposes of this section:

- 2 a. for blasting operations using electronic-blasting
3 detonators, a "loaded hole" is defined as one that
4 contains explosives or blasting agents with a primer
5 where the hole has been stemmed and has a short length
6 of connecting wire sticking out but does not have a
7 firing device connected,
- 8 b. for blasting operations not using electronic
9 detonators, a hole with explosives and a blasting cap
10 is considered a "loaded and charged hole",
- 11 c. for blasting operations using electronic-blasting
12 detonators, a "charged hole" is defined as one that
13 contains explosives or blasting agents with a primer
14 where the hole has been tamped with a short length of
15 connecting device sticking out and it does have a
16 firing device connected,
- 17 d. "blasting site" is defined as the area within fifty
18 (50) feet, or any alternative distance provided in the
19 blasting plan of the approved permit on file, of any
20 holes loaded with explosives, blasting agents or
21 detonators,
- 22 e. "blasting area" is defined as the area where flying
23 rock may be considered dangerous, which shall be
24 determined by the certified blaster.

1 B. Rules and procedures for the use of explosives are as
2 follows:

3 1. Persons who use explosives, blasting agents or detonators
4 shall be certified by the ~~Oklahoma Mining Commission~~ Department of
5 Environmental Quality. Such persons shall understand the hazards
6 involved, and trainees shall do such work only under the supervision
7 of and in the immediate presence of certified persons;

8 2. Blasting operations shall be under the direct control of
9 certified persons designated by the operator for that purpose;

10 3. Damaged or deteriorated explosives, blasting agents and
11 detonators shall be disposed of in a safe manner;

12 4. For blasting operations using electronic blasting
13 detonators, loaded holes shall be charged as near to blasting time
14 as practical and in compliance with the known physical limitations
15 and properties of the specific blasting materials and equipment
16 specified by the manufacturer. Unless authorized by the appropriate
17 regulatory authority, loaded holes shall be detonated within sixty
18 (60) days from the date of loading;

19 5. No person shall smoke within fifty (50) feet of explosives,
20 blasting agents or detonators;

21 6. Only wooden or other nonsparking devices shall be used to
22 punch holes in explosives cartridges;

23 7. Tamping poles shall be blunt and squared at one end and made
24 of wood or other nonsparking material;

1 8. No tamping shall be done directly on primer cartridges;

2 9. During the loading of holes, only the work activities
3 associated with the explosives operation will be permitted in the
4 blasting site;

5 10. During charging and firing, only the work activities
6 associated with the explosives operation will be permitted in the
7 blasting area;

8 11. Unused explosives and detonators shall be moved to a safe
9 location as soon as charging operations are completed;

10 12. Approaches to areas in which charged holes are awaiting
11 firing shall be guarded or barricaded and posted or flagged against
12 unauthorized entry;

13 13. When a blast is about to be fired, ample warning shall be
14 given to allow all persons to retreat to a safe place. Each mine
15 shall have a definite plan of warning signals that can be clearly
16 seen or heard by anyone in the blasting area. The operator shall
17 inform all employees at the local mine as to the established
18 procedure;

19 14. Enclosed blasting shelters constructed of strong materials
20 shall be provided to protect all persons endangered by flying rock
21 from blasting;

22 15. When safety fuse has been used, persons shall not return to
23 misfired holes for at least thirty (30) minutes;

1 16. When electric blasting caps have been used, persons shall
2 not return to misfired holes for at least fifteen (15) minutes.
3 Leading wires from the power source must be disconnected before
4 persons can be allowed to return to the blasting sites;

5 17. Blasted materials shall be examined for undetonated
6 explosives after each blast and undetonated explosives found shall
7 be disposed of safely;

8 18. Misfires shall be reported to the proper supervisor and
9 shall be disposed of safely before any other work is performed in
10 the blasting area;

11 19. Blast holes in hot-hole areas and holes that have been
12 sprung shall not be charged before tests have been made to insure
13 that the heat has been dissipated to a safe level;

14 20. If explosives are suspected of burning in a hole, all
15 persons in the endangered area shall move to a safe location until
16 the danger has passed;

17 21. Holes shall not be drilled where there is danger of
18 intersecting a charge or misfired hole;

19 22. Fuses and igniters shall be stored in a cool, dry place
20 away from oils or grease;

21 23. Fuses shall not be kinked, bent sharply or handled roughly;

22 24. Fuses shall be cut and capped in safe, dry locations posted
23 with "No Smoking" signs;

24

1 25. Blasting caps shall be crimped to fuses only with devices
2 designed for that specific purpose;

3 26. Fuses of less than forty-eight (48) inches in length shall
4 not be used for any purpose;

5 27. At least two persons shall be present when lighting fuses,
6 and no person shall light more than fifteen individual fuses. If
7 more than fifteen holes per person are to be fired, igniter cord and
8 connectors or electric blasting shall be used;

9 28. A safe interval of time shall be allowed to light a round
10 and evacuate the blasting area;

11 29. Fuses shall be ignited with hot-wire lighters, lead
12 spitters, igniter cord or other such devices designed for this
13 purpose;

14 30. Fuses shall not be ignited before the primer and the entire
15 charge are securely in place;

16 31. Electric detonators of different brands shall not be used
17 in the same round;

18 32. Electric detonators shall remain shunted until they are
19 being wired into the blasting circuit. Lead lines and wired rounds
20 shall be kept shunted until immediately before blasting;

21 33. Completely wired rounds shall be tested with a blasting
22 galvanometer before connections are made to the blasting line;

23 34. Lead wires and blasting lines shall not be strung across
24 power conductors, pipelines or within twenty (20) feet of bare power

1 lines. They shall be protected from sources of static or other
2 electrical contact;

3 35. Permanent blasting lines shall be properly supported,
4 insulated and kept in good repair;

5 36. Charging shall be stopped immediately when the presence of
6 static electricity or stray current is detected; the condition shall
7 be corrected before charging is resumed;

8 37. Charging of holes shall be suspended and the persons
9 withdrawn to a safe location upon the approach of an electrical
10 storm;

11 38. Safety switches and blasting switches shall be labeled,
12 encased in boxes and arranged so that the covers of the boxes cannot
13 be closed with the switches in closed position;

14 39. Blasting switches shall be locked in the open position
15 except when closed to fire the blast. Lead wires shall not be
16 connected to the blasting switch until the shot is ready to be
17 fired;

18 40. The key to a blasting switch shall be entrusted only to the
19 person designated to fire blasts;

20 41. Electric circuits from the blasting switches to the blast
21 area shall not be grounded;

22 42. At least a five-foot air gap shall be provided between the
23 blasting circuit and the power circuit;

24

1 43. Where electric blasting is to be performed, electric
2 circuits to equipment within twenty-five (25) feet of a hole that is
3 to be charged with an electric blasting cap shall be de-energized
4 before electric detonators are brought into the immediate area, or
5 the electric equipment shall be moved out of the immediate area;

6 44. Power sources shall be suitable for the number of electric
7 detonators to be fired and for the type of circuits used;

8 45. When instantaneous blasting is performed, the double-
9 trunkline or loop system shall be used in detonating-cord blasting;

10 46. When instantaneous blasting is performed, trunklines in
11 multiple-row blasting shall make one or more complete loops with
12 crossties between loops at intervals of not over two hundred (200)
13 feet;

14 47. All detonating-cord knots shall be tight and all
15 connections shall be kept at right angles to the trunklines;

16 48. Delay connectors for firing detonating-cord shall be
17 treated and handled with the same safety precautions as blasting
18 caps and electric detonators; and

19 49. Detonating-cord shall not be kinked, bent or otherwise
20 handled in such a manner that the train of detonation may be
21 interrupted.

22 SECTION 68. AMENDATORY 45 O.S. 2021, Section 754, is
23 amended to read as follows:

24

1 Section 754. A. The operator shall establish on the regraded
2 areas and all other lands affected, a diverse, effective and
3 permanent vegetative cover of the same seasonal variety native to
4 the area of land to be affected and capable of self-regeneration and
5 plant succession at least equal in extent of cover to the natural
6 vegetation of the area; except, that introduced species may be used
7 in the revegetation process where desirable and necessary to achieve
8 the approved postmining land use plan.

9 B. The operator shall assume the responsibility for successful
10 revegetation for a period of five (5) full years after the last year
11 of augmented seeding, fertilizing, irrigation or other work in order
12 to assure compliance with this section. In those areas or regions
13 of Oklahoma, where the annual average precipitation is twenty-six
14 (26) inches or less as determined by the most recent National
15 Oceanic and Atmospheric Administration Annual Summary of
16 Climatological Data for Oklahoma, ~~then~~ the operator's assumption of
17 responsibility and liability will extend for a period of ten (10)
18 full years after the last year of augmented seeding, fertilizing,
19 irrigation or other work. When the Department of Environmental
20 Quality approves a long-term intensive agricultural postmining land
21 use, the applicable five- or ten-year period of responsibility for
22 revegetation shall commence at the date of initial planting for such
23 long-term intensive agricultural postmining land use. When the
24 Department issues a written finding approving a long-term,

1 intensive, agricultural postmining land use as part of the mining
2 and reclamation plan, the Department may grant exception to the
3 provisions of subsection A of this section.

4 SECTION 69. AMENDATORY 45 O.S. 2021, Section 754.1, is
5 amended to read as follows:

6 Section 754.1 The operator shall place all excess spoil
7 material resulting from coal surface mining and reclamation
8 activities in such a manner that:

9 1. Spoil is transported and placed in a controlled manner in
10 position for concurrent compaction and in such a way to assure mass
11 stability and to prevent mass movement;

12 2. The areas of disposal are within the bonded permit areas and
13 all organic matter shall be removed immediately prior to spoil
14 placement;

15 3. Appropriate surface and internal drainage systems and
16 diversion ditches are used so as to prevent spoil erosion and
17 movement;

18 4. The disposal area does not contain springs, natural water
19 courses or wet weather seeps unless lateral drains are constructed
20 from the wet areas to the main underdrains in such a manner that
21 filtration of the water into the spoil pile will be prevented;

22 5. If placed on a slope, the spoil is placed upon the most
23 moderate slope among those upon which, in the judgment of the
24 Department of Environmental Quality, the spoil could be placed in

1 compliance with all the requirements of this act, and shall be
2 placed, where possible, upon, or above, a natural terrace, bench, or
3 berm, if such placement provides additional stability and prevents
4 mass movement;

5 6. Where the toe of the spoil rests on a downslope, a rock toe
6 buttress, of sufficient size to prevent mass movement, is
7 constructed;

8 7. The final configuration is compatible with the natural
9 drainage pattern and surroundings and suitable for intended uses;

10 8. Design of the spoil disposal area is certified by a
11 qualified registered professional engineer in conformance with
12 professional standards; and

13 9. All other provisions of this act are met.

14 SECTION 70. AMENDATORY 45 O.S. 2021, Section 754.2, is
15 amended to read as follows:

16 Section 754.2 The operator shall also fulfill the following
17 performance standards:

18 1. Conduct surface coal mining operations so as to maximize the
19 utilization and conservation of the solid fuel resource being
20 recovered so that re-affecting the land in the future through surface
21 coal mining can be minimized;

22 2. Stabilize and protect all surface areas including spoil
23 piles affected by the surface coal mining and reclamation operation
24

1 to effectively control erosion and attendant air and water
2 pollution;

3 3. Restore the topsoil or the best available subsoil which is
4 best able to support vegetation;

5 4. ~~Insure~~ Ensure that all debris, acid-forming materials, toxic
6 materials, or materials constituting a fire hazard are treated or
7 buried and compacted or otherwise disposed of in a manner designed
8 to prevent contamination of ground or surface waters and that
9 contingency plans are developed to prevent sustained combustion;

10 5. ~~Insure~~ Ensure that the construction, maintenance and
11 postmining conditions of access roads into and across the site of
12 operations will control or prevent erosion and siltation, pollution
13 of water, damage to fish or wildlife or their habitat, or public or
14 private property;

15 6. Refrain from the construction of roads or other access ways
16 up a stream bed or drainage channel or in such proximity to such
17 channel so as to seriously alter the normal flow of water;

18 7. Protect off-site areas from slides or damage occurring
19 during the surface coal mining and reclamation operations, and not
20 deposit spoil material or locate any part of the operations or waste
21 accumulations outside the permit area;

22 8. To the extent possible using the best technology currently
23 available, minimize disturbances and adverse impacts of the
24

1 operation on fish, wildlife, and related environmental values, and
2 achieve enhancement of such resources where practicable;

3 9. Provide for an undisturbed natural barrier beginning at the
4 elevation of the lowest coal seam to be mined and extending from the
5 outslope for such distance as the Department of Environmental
6 Quality shall determine shall be retained in place as a barrier to
7 slides and erosion; and

8 10. Meet such other criteria as are necessary to achieve
9 reclamation in accordance with the purposes of this act, taking into
10 consideration the physical, climatological, and other
11 characteristics of the site.

12 SECTION 71. AMENDATORY 45 O.S. 2021, Section 755, is
13 amended to read as follows:

14 Section 755. The following performance standards shall be
15 applicable to steep slope surface coal mining and shall be in
16 addition to those general performance standards required by this
17 act. These provisions shall not apply to those situations in which
18 an operator is mining on flat or gently rolling terrain, on which an
19 occasional steep slope is encountered through which the mining
20 operation is to proceed, leaving a plain or predominantly flat area.

21 1. The operator shall insure that when performing surface coal
22 mining on steep slopes, no debris, abandoned or disabled equipment,
23 spoil material, or waste mineral matter be placed on the downslope
24 below the bench or mining cut;

1 2. Complete backfilling with spoil material shall be required
2 to cover completely the highwall and return the site to the
3 appropriate original contour, which material will maintain stability
4 following mining and reclamation;

5 3. The operator may not disturb land above the top of the
6 highwall unless the Department of Environmental Quality finds that
7 such disturbance will facilitate compliance with the environmental
8 protection standards of this act. The land disturbed above the
9 highwall shall be limited to that amount necessary to facilitate
10 said compliance; and

11 4. For the purposes of this section, the term steep slope is
12 any slope above twenty (20) degrees or such lesser slope as may be
13 defined by the Department after consideration of soil, climate and
14 other characteristics of a region or state.

15 SECTION 72. AMENDATORY 45 O.S. 2021, Section 756, is
16 amended to read as follows:

17 Section 756. A. Where a surface coal mining operation will
18 remove an entire coal seam or seams running through the upper
19 fraction of a mountain, ridge or hill by removing all of the
20 overburden and creating a level plateau or a gently rolling contour
21 with no highwalls remaining and which will be capable of supporting
22 postmining uses in accordance with the requirements of this section,
23 such operation shall require that:

24

- 1 1. The toe of the lowest coal seam and the overburden
2 associated with it are retained in place as a barrier to slides and
3 erosion;
- 4 2. The reclaimed area is stable;
- 5 3. The resulting plateau or rolling contour drains inward from
6 the out slopes except at specified points;
- 7 4. No damage will be done to natural watercourses;
- 8 5. Spoil will be placed on the mountaintop bench as is
9 necessary to achieve the planned postmining land use; and
- 10 6. Stability of the spoil retained on the mountaintop is
11 insured and meets the other requirements of this act.

12 Such operation shall not be required to restore the original
13 contour as provided in Section 747 of this title.

14 B. In cases where an industrial, commercial, agricultural,
15 residential or public facility, including recreational facilities,
16 use is proposed as the postmining use of the affected land, the
17 Department of Environmental Quality may grant a permit for a surface
18 mining operation of the nature described in this section if:

- 19 1. The proposed postmining land use is deemed to constitute an
20 equal or better economic or public use of the affected land, as
21 compared with premining use after consultation with the appropriate
22 land use planning agencies;

23
24

1 2. The applicant presents specific plans for the proposed
2 postmining land use and appropriate assurances that such use will
3 be:

- 4 a. compatible with adjacent land uses,
- 5 b. obtainable according to data regarding expected need
6 and market,
- 7 c. assured of investment in necessary public facilities,
- 8 d. supported by commitments from public agencies where
9 appropriate,
- 10 e. practicable with respect to private financial
11 capability for completion of the proposed use,
- 12 f. planned pursuant to a schedule attached to the
13 reclamation plan so as to integrate the mining
14 operation and reclamation with the postmining land
15 use, and
- 16 g. designed by a registered engineer in conformance with
17 professional standards established to assure the
18 stability, drainage, and configuration necessary for
19 the intended use of the site;

20 3. The proposed use would be consistent with adjacent land
21 uses, and existing state and local land use plans and programs;

22 4. The Department provides the governing body of the unit of
23 general-purpose government in which the land is located and any
24 state or federal agency which the Department, in its discretion,

1 determines to have an interest in the proposed use, an opportunity
2 of not more than sixty (60) days to review and comment on the
3 proposed use;

4 5. All other requirements of this act will be met.

5 SECTION 73. AMENDATORY 45 O.S. 2021, Section 757, is
6 amended to read as follows:

7 Section 757. If the area proposed to be mined contains prime
8 farmland, the Department of Environmental Quality shall, after
9 consultation with the United States Secretary of Agriculture, and
10 pursuant to regulations issued by the United States Secretary of the
11 Interior with the concurrence of the United States Secretary of
12 Agriculture, grant a permit to mine on prime farmland if the
13 Department finds in writing that the operator has the technological
14 capability to restore such mined area, within a reasonable time, to
15 equivalent or higher levels of yield as non-mined prime farmland in
16 the surrounding area under equivalent levels of management and can
17 meet the soil reconstruction standards. The requirements of this
18 section shall apply to all permits issued after August 3, 1977.

19 Nothing in this section shall apply to any permit issued prior
20 to August 3, 1977, or to any revisions or renewals thereof, or to
21 any existing surface mining operations for which a permit was issued
22 prior to August 3, 1977.

23 1. The operator shall be required to segregate the A horizon of
24 the natural soil, except where it can be shown that other available

1 soil materials will create a final soil having a greater productive
2 capacity; and if not utilized immediately, stockpile this material
3 separately from other spoil, and provide needed protection from wind
4 and water erosion or contamination by other acid or toxic material;

5 2. Segregate the B horizon of the natural soil, or underlying C
6 horizons or other strata, or a combination of such horizons or other
7 strata that are shown to be both texturally and chemically suitable
8 for plant growth and that can be shown to be equally or more
9 favorable for plant growth than the B horizon, in sufficient
10 quantities to create in the regraded final soil a root zone of
11 comparable depth and quality to that which existed in the natural
12 soil; and if not utilized immediately, stockpile this material
13 separately from other spoil, and provide needed protection from wind
14 and water erosion or contamination by other acid or toxic material;

15 3. Replace and regrade the root zone material described in
16 paragraph 2 ~~above~~ of this section with proper compaction and uniform
17 depth over the regraded spoil material; and

18 4. Redistribute and grade in a uniform manner the surface soil
19 horizon described in paragraph 1 of this section.

20 SECTION 74. AMENDATORY 45 O.S. 2021, Section 760, is
21 amended to read as follows:

22 Section 760. Each permit issued relating to underground coal
23 mining shall require the operator to:

24

1 1. Adopt measures consistent with known technology in order to
2 prevent subsidence causing material damage to the extent
3 technologically and economically feasible. The operator shall
4 maximize mine stability and maintain the value and reasonably
5 foreseeable use of surface lands, except in those instances when the
6 mining technology used requires planned subsidence in a predictable
7 and controlled manner. Nothing in this paragraph shall be construed
8 to prohibit the standard method of room and pillar mining;

9 2. Seal all portals, entryways, drifts, shafts or other
10 openings between the surface and underground mine working when no
11 longer needed for the conduct of the mining operations;

12 3. Fill or seal exploratory holes no longer necessary for
13 mining, maximizing to the extent technologically and economically
14 feasible the return of mine and processing waste, tailings and any
15 other waste incident to the mining operation, to the mine workings
16 or excavations;

17 4. Stabilize, with respect to surface disposal of mine wastes,
18 tailings, coal processing wastes and other wastes in areas other
19 than the mine workings or excavations, all waste piles created by
20 the permittee from current operations through construction in
21 compacted layers including the use of incombustible and impervious
22 materials if necessary. The operator shall assure that the leachate
23 will not degrade below water quality standards established pursuant
24 to applicable federal and state law surface or ground waters. The

1 operator shall assure that the final contour of the waste
2 accumulation will be compatible with natural surroundings and that
3 the site is stabilized and revegetated according to the provisions
4 of this section;

5 5. Design, locate, construct, operate, maintain, enlarge,
6 modify and remove or abandon all existing and new coal mine waste
7 piles consisting of mine wastes, tailings, coal processing wastes,
8 or other liquid and solid wastes, and used either temporarily or
9 permanently as dams or embankments as required by the Department of
10 Environmental Quality;

11 6. Establish on regraded areas and all other lands affected, a
12 diverse and permanent vegetative cover capable of self-regeneration
13 and plant succession and at least equal in extent of cover to the
14 natural vegetation of the area;

15 7. Protect offsite areas from damages which may result from
16 such mining operations;

17 8. Eliminate fire hazards and otherwise eliminate conditions
18 which constitute a hazard to the public health and safety;

19 9. Minimize the disturbances of the prevailing hydrologic
20 balance at the minesite and in associated offsite areas and to the
21 quantity of water in surface ground water systems both during and
22 after coal mining operations and during reclamation by:

23 a. avoiding acid or other toxic mine drainage by such
24 measures as, but not limited to:

- 1 (1) preventing or removing water from contact with
- 2 toxic producing deposits,
- 3 (2) treating drainage to reduce toxic content which
- 4 adversely affects downstream water upon being
- 5 released to watercourses, and
- 6 (3) casing, sealing or otherwise managing boreholes,
- 7 shafts and wells to keep acid or other toxic
- 8 drainage from entering ground and surface waters,
- 9 and

10 b. conducting surface coal mining operations so as to
11 prevent, to the extent possible using the best
12 technology currently available, additional
13 contributions of suspended solids to streamflow or
14 runoff outside the permit area. In no event shall
15 such contributions be in excess of requirements set by
16 applicable state or federal law. The operator shall
17 avoid channel deepening or enlargement in operations
18 requiring the discharge of water from mines;

19 10. Operate, with respect to other surface impacts not
20 specified in this section, including the construction of new roads
21 or the improvement or use of existing roads to gain access to the
22 site of such activities and for haulage, repair areas, storage
23 areas, processing areas, shipping areas and other areas upon which
24 are sited structures, facilities or other property or materials on

1 the surface, resulting from or incident to such activities, in
2 accordance with the standards established under this title for such
3 effects which result from surface coal mining operations. The
4 Department shall make such modifications in the requirements imposed
5 by this paragraph as are necessary to accommodate the distinct
6 difference between surface and underground coal mining;

7 11. Minimize, to the extent possible using the best technology
8 currently available, disturbances and adverse impacts of the
9 operation on fish, wildlife and related environmental values and
10 achieve enhancement of such resources where practicable; and

11 12. Locate openings for all new drift mines working acid-
12 producing or iron-producing coal seams in such a manner as to
13 prevent a gravity discharge of water from the mine.

14 SECTION 75. AMENDATORY 45 O.S. 2021, Section 760.1, is
15 amended to read as follows:

16 Section 760.1 In order to protect the stability of the land,
17 the Department of Environmental Quality shall suspend underground
18 coal mining under urbanized areas, cities, towns and communities and
19 adjacent to industrial or commercial buildings, major impoundments
20 or permanent streams if it finds imminent danger to inhabitants of
21 the urbanized areas, cities, towns and communities.

22 SECTION 76. AMENDATORY 45 O.S. 2021, Section 760.2, is
23 amended to read as follows:

24

1 Section 760.2 The provisions of this act relating to permits,
2 bonds, inspections and enforcement, public review, and
3 administrative and judicial review shall be applicable to surface
4 operations and surface impacts incident to an underground coal mine
5 with such modifications to the permit application requirements,
6 permit approval or denial procedures, and bond requirements as are
7 necessary to accommodate the distinct difference between surface and
8 underground coal mining. The Department of Environmental Quality
9 shall adopt such modifications.

10 SECTION 77. AMENDATORY 45 O.S. 2021, Section 765, is
11 amended to read as follows:

12 Section 765. A. The Department of Environmental Quality shall
13 require any permittee to establish and maintain appropriate records,
14 make monthly reports to the Department, install, use and maintain
15 any necessary monitoring equipment or methods, evaluate results in
16 accordance with such methods, at such locations, intervals and in
17 such manner as the Department shall prescribe, and provide such
18 other information relative to surface coal mining and reclamation
19 operations as the Department deems reasonable and necessary.

20 B. For those surface coal mining and reclamation operations
21 which remove or disturb strata that serve as aquifers which
22 significantly insure the hydrologic balance of water use either on
23 or off the mining site, the Department shall specify:

24

1 1. Monitoring sites to record the quantity and quality of
2 surface drainage above and below the minesite as well as in the
3 potential zone of influence;

4 2. Monitoring sites to record level, amount and samples of
5 ground water and aquifers potentially affected by the mining and
6 also directly below the lowermost (deepest) coal seam to be mined;

7 3. Records of well logs and borehole data to be maintained; and

8 4. Monitoring sites to record precipitation.

9 The monitoring data collection and analysis required by this
10 section shall be conducted according to standards and procedures set
11 forth by the Department in order to assure their reliability and
12 validity.

13 SECTION 78. AMENDATORY 45 O.S. 2021, Section 766, is
14 amended to read as follows:

15 Section 766. A. The representatives of the Department of
16 Environmental Quality may enter upon the lands of the operator at
17 all times deemed reasonable and necessary by the Department without
18 advance notice and upon presentation of appropriate credentials for
19 the purpose of inspection, to determine whether the provisions of
20 this act have been complied with, and may at reasonable times, and
21 without delay, have access to and copy any records, inspect any
22 monitoring equipment or method of operation required under this act.

23 B. The inspections by the Department shall:
24

1 1. Occur on an irregular basis averaging at least one partial
2 inspection per month for each active surface coal mining and
3 reclamation operation covered by permit. Partial inspections on
4 each inactive surface coal mining and reclamation operation covered
5 by permit shall be conducted as necessary to ensure the effective
6 enforcement of this act. At least one complete inspection shall be
7 conducted per calendar quarter on each active and inactive surface
8 coal mining and reclamation operation covered by permit.

9 For the purpose of this section, an inactive surface coal mining
10 and reclamation operation is defined as those operations which have
11 obtained at least a sixty percent (60%) bond release pursuant to
12 paragraph 1 of subsection A of Section 772 of this title. All other
13 surface coal mining operations shall be considered as active;

14 2. Occur without prior notice to the permittee or his agents or
15 employees except for necessary on-site meetings with the permittee;
16 and

17 3. Include the filing of inspection reports adequate to enforce
18 the requirements of and to carry out the terms and purposes of this
19 act.

20 C. Each permittee shall maintain in a conspicuous place at the
21 entrances to the surface coal mining and reclamation operations
22 clearly visible signs which set forth the name, business address and
23 phone number of the permittee and the permit number of the surface
24 coal mining and reclamation operations.

1 D. Each inspector, upon detection of each violation of any
2 requirement of this act, shall immediately inform the operator in
3 writing of the violation, and shall report in writing any such
4 violation to the Department.

5 E. Copies of any records, reports, inspection materials or
6 information obtained under this act by the Department shall be made
7 immediately available for inspection by the public at central and
8 sufficient locations designated by the Department in the county,
9 multicounty and state area of mining so that they are conveniently
10 available to residents in the areas of mining, excepting such
11 information required to be kept confidential by this act.

12 SECTION 79. AMENDATORY 45 O.S. 2021, Section 767, is
13 amended to read as follows:

14 Section 767. No employee of the Department of ~~Mines~~
15 Environmental Quality or any other state employee performing any
16 function or duty under this act shall be directly or indirectly
17 interested in any mining operation, or any contract for purchase of
18 any property or construction or any work for any mining operation.
19 Any person who knowingly violates the provision of this section
20 shall be guilty of a misdemeanor and, upon conviction shall be
21 punished by incarceration for a period not to exceed one (1) year or
22 a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

23 SECTION 80. AMENDATORY 45 O.S. 2021, Section 768, is
24 amended to read as follows:

1 Section 768. A. Any person who is or may be adversely affected
2 by a surface mining operation may notify the ~~Chief Mine Inspector~~
3 Division Director of the Division of Mines of the Department of
4 Environmental Quality or any representative of the ~~Chief Mine~~
5 ~~Inspector~~ Division Director responsible for conducting the
6 inspection, in writing, of any violation of this act which he has
7 reason to believe exists at the surface mining site. If the person
8 who is or may be adversely affected by surface mining operations
9 states in such writing that he desires the source of the complaint
10 or writing kept confidential, the Department of Environmental
11 Quality shall maintain such information in confidence. The ~~Chief~~
12 ~~Mine Inspector~~ Division Director shall, by regulation, establish
13 procedures for informal review of any refusal by a representative of
14 the ~~Chief Mine Inspector~~ Division Director to issue a citation with
15 respect to any such alleged violation. The ~~Chief Mine Inspector~~
16 Division Director shall furnish such persons requesting the review a
17 written statement of the reasons for the Chief Mine Inspector's
18 final disposition of the case.

19 B. The ~~Chief Mine Inspector~~ Department of Environmental Quality
20 shall also, by regulation, establish procedures to ensure that
21 adequate and complete inspections are made. Any such person may
22 notify the ~~Chief Mine Inspector~~ Division Director of the Division of
23 Mines of any failure to make such inspections, after which the ~~Chief~~
24 ~~Mine Inspector~~ Division Director shall determine whether adequate

1 and complete inspections have been made. The ~~Chief Mine Inspector~~
2 Division Director shall furnish such persons a written statement of
3 the reasons for the ~~Chief Mine Inspector's~~ Division Director's
4 determination that adequate and complete inspections have or have
5 not been conducted.

6 SECTION 81. AMENDATORY 45 O.S. 2021, Section 769, is
7 amended to read as follows:

8 Section 769. A. In the enforcement of a state program pursuant
9 to this act any operator who violates any permit condition or who
10 violates any other provision of this act may be assessed a civil
11 penalty by the Department of Environmental Quality except that if
12 such violation leads to the issuance of a cessation order under this
13 act, the civil penalty shall be assessed. Such penalty shall not
14 exceed Five Thousand Dollars (\$5,000.00) for each violation. Each
15 day of continuing violation may be deemed a separate violation for
16 purposes of penalty assessments. In determining the amount of the
17 penalty, consideration shall be given to the operator's history of
18 previous violations at the particular surface coal mining operation;
19 the seriousness of the violation, including any irreparable harm to
20 the environment and any hazard to the health or safety of the
21 public; whether the permittee was negligent; and the demonstrated
22 good faith of the permittee charged in attempting to achieve rapid
23 compliance after notification of the violation.

24

1 B. A civil penalty shall be assessed by the Department only
2 after the person charged with a violation described under subsection
3 A of this section has been given an opportunity for a public
4 hearing. Where such a public hearing has been held, the ~~Chief Mine~~
5 ~~Inspector~~ Division Director of the Division of Mines shall make
6 findings of fact, and he or she shall issue a written decision as to
7 the occurrence of the violation and the amount of the penalty which
8 is warranted, incorporating, when appropriate, an order therein
9 requiring that the penalty be paid. When appropriate, the ~~Chief~~
10 ~~Mine Inspector~~ Division Director shall consolidate such hearings
11 with other proceedings under this act. Any hearing under this
12 section shall be of record. Where the person charged with such a
13 violation fails to avail himself of the opportunity for a public
14 hearing, a civil penalty shall be assessed by the ~~Chief Mine~~
15 ~~Inspector~~ Division Director after the ~~Chief Mine Inspector~~ Division
16 Director has determined that a violation did occur, and the amount
17 of the penalty which is warranted, and has issued an order requiring
18 that the penalty be paid.

19 C. Upon the issuance of a notice or order charging that a
20 violation of this act has occurred, the Department shall inform the
21 operator within thirty (30) days of the proposed amount of said
22 penalty. The person charged with the penalty shall then have thirty
23 (30) days to pay the proposed penalty in full or, if the person
24 wishes to contest either the amount of the penalty or the fact of

1 the violation, forward the proposed amount to the Department for
2 placement in an escrow account. If through administrative or
3 judicial review of the proposed penalty, it is determined that no
4 violation occurred, or that the amount of the penalty should be
5 reduced, the Department shall within thirty (30) days remit the
6 appropriate amount to the person, with interest at the rate of six
7 percent (6%), or at the prevailing United States Department of the
8 Treasury rate, whichever is greater. Failure to forward the money
9 to the Department within thirty (30) days shall result in a waiver
10 of all legal rights to contest the violation or the amount of the
11 penalty.

12 D. Civil penalties owed under this act may be recovered in a
13 civil action brought by the Attorney General at the request of the
14 ~~Chief Mine Inspector~~ Department of Environmental Quality in any
15 appropriate district court.

16 E. Any person who willfully and knowingly violates a condition
17 of a permit issued pursuant to this act or fails or refuses to
18 comply with any order issued under this act, or any order
19 incorporated in a final decision issued by the ~~Chief Mine Inspector~~
20 Department of Environmental Quality under this act except an order
21 incorporated in a decision issued under subsection B of this
22 section, shall, upon conviction, be punished by a fine of not more
23 than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not
24 more than one (1) year, or both.

1 F. Whenever a corporate permittee violates a condition of a
2 permit issued pursuant to this act or fails or refuses to comply
3 with any order issued under this act, or any order incorporated in a
4 final decision issued by the ~~Chief Mine Inspector~~ Department of
5 Environmental Quality under this act except an order incorporated in
6 a decision issued under subsection B of this section, any director,
7 officer or agent of such corporation who willfully and knowingly
8 authorized, ordered or carried out such violation, failure or
9 refusal shall be subject to the same civil penalties, fines and
10 imprisonment that may be imposed upon a person under subsections A
11 and E of this section.

12 G. Whoever knowingly makes any false statement, representation
13 or certification, or knowingly fails to make any statement,
14 representation or certification in any application, record, report,
15 plan or other document filed or required to be maintained pursuant
16 to this act or any order ~~of~~ or decision issued by the Department
17 under this act, shall, upon conviction, be punished by a fine of not
18 more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for
19 not more than one (1) year, or both.

20 H. Any operator who fails to correct a violation for which a
21 citation has been issued within the period permitted for its
22 correction shall be assessed a civil penalty of not less than Seven
23 Hundred Fifty Dollars (\$750.00) for each day during which such
24 failure or violation continues.

1 The period permitted for corrections of violations shall not end
2 until:

3 1. The entry of a final order by the Department after an
4 expedited hearing, as provided by Section ~~53~~ 786 of this ~~act~~ title,
5 which ordered the suspension of the abatement requirements of the
6 citation because it was determined that the operator will suffer
7 irreparable loss or damage from the application of the abatement
8 requirements; or

9 2. The entry of an order by a court in any review proceedings
10 initiated by the operator in which the court orders the suspension
11 of the abatement requirements.

12 I. Any person who shall, except as permitted by law, willfully
13 resist, prevent, impede or interfere with the Department of
14 Environmental Quality or any of the agents or employees of the
15 Department in the performance of duties pursuant to this act shall,
16 upon conviction, be punished by a fine of not more than Five
17 Thousand Dollars (\$5,000.00), or by imprisonment for not more than
18 one (1) year, or both.

19 SECTION 82. AMENDATORY 45 O.S. 2021, Section 770, is
20 amended to read as follows:

21 Section 770. The permittee may file a request with the
22 Department of Environmental Quality for the release of all or part
23 of a performance bond or deposit. Within thirty (30) days after any
24 application for bond or deposit release has been filed with the

1 Department, the operator shall submit a copy of an advertisement
2 placed at least once a week for four (4) successive weeks in a
3 newspaper of general circulation in the locality of the surface coal
4 mining operation. Such advertisement shall be considered part of any
5 bond release application and shall contain a notification of the
6 precise location of the land affected, the number of acres, the
7 permit and the date approved, the amount of the bond filed and the
8 portion sought to be released, and the type and appropriate dates of
9 reclamation work performed and a description of the results achieved
10 as they relate to the operator's approved reclamation plan. In
11 addition, as part of any bond release application, the applicant
12 shall submit copies of letters which he has sent to adjoining
13 property owners, local governmental bodies, planning agencies and
14 sewage and water treatment authorities or water districts in the
15 districts in which the surface coal mining and reclamation
16 activities took place, notifying them of his intention to seek
17 release from the bond.

18 SECTION 83. AMENDATORY 45 O.S. 2021, Section 771, is
19 amended to read as follows:

20 Section 771. Upon receipt of the notification and request, the
21 Department of Environmental Quality shall within thirty (30) days
22 conduct an inspection and evaluation of the reclamation work
23 involved. Such evaluation shall consider, among other things, the
24 degree of difficulty to complete any remaining reclamation, whether

1 pollution of surface and subsurface water is occurring, the
2 probability of continuance or future occurrence of such pollution,
3 and the estimated cost of abating such pollution. The Department
4 shall notify the permittee in writing of its decision to release or
5 not to release all or part of the performance bond or deposit within
6 sixty (60) days from the filing of the request, if no public hearing
7 is held and if there has been a public hearing held within thirty
8 (30) days thereafter.

9 SECTION 84. AMENDATORY 45 O.S. 2021, Section 772, is
10 amended to read as follows:

11 Section 772. A. The Department of Environmental Quality may
12 release in whole or in part the bond or deposit if the Department is
13 satisfied the reclamation covered by the bond or deposit or portion
14 thereof has been accomplished as required by this act according to
15 the following schedule:

16 1. When the operator completes the backfilling, regrading and
17 drainage control of a bonded area in accordance with his approved
18 reclamation plan, the release of sixty percent (60%) of the bond or
19 collateral for the applicable permit area;

20 2. After revegetation has been established on the regraded
21 mined lands in accordance with the approved reclamation plan. When
22 determining the amount of bond to be released after successful
23 revegetation has been established, the Department shall retain that
24 amount of bond for the revegetated area which would be sufficient

1 for a third party to cover the cost of reestablishing revegetation
2 and for the period specified for operator responsibility of
3 reestablishing revegetation. No part of the bond or deposit shall
4 be released under this paragraph so long as the lands to which the
5 release would be applicable are contributing suspended solids to
6 streamflow or runoff outside the permit area in excess of the
7 requirements set by law. No part of the bond shall be released
8 until soil productivity for prime farmlands has returned to
9 equivalent levels of yield as nonmined land of the same soil type in
10 the surrounding area under equivalent management practices as
11 determined from the soil survey. When a silt dam is to be retained
12 as a permanent impoundment, the remaining portion of bond may be
13 released under this paragraph so long as provisions for sound future
14 maintenance by the operator or the landowner have been made with the
15 Department; and

16 3. When the operator has completed successfully all surface
17 coal mining and reclamation activities, the release of the remaining
18 portion of the bond, but not before the expiration of the period
19 specified for operator responsibility. No bond shall be fully
20 released until all reclamation requirements of this act are fully
21 met.

22 B. If the Department disapproves the application for release of
23 the bond or portion thereof, the Department shall notify the
24 permittee in writing, stating the reasons for disapproval and

1 recommending corrective actions necessary to secure said release and
2 allowing opportunity for a public hearing.

3 C. In order to protect areas affected by surface coal mining
4 activities and the surface effects of underground coal mines, no oil
5 or gas drilling activities shall be commenced or continued in any
6 mine permit area while the reclamation bond or any portion thereof
7 remains in effect, without the written approval of the Director.

8 The Department shall issue rules and regulations establishing
9 criteria and conditions for the approval of the Director under this
10 subsection.

11 SECTION 85. AMENDATORY 45 O.S. 2021, Section 773, is
12 amended to read as follows:

13 Section 773. A. When any application for total or partial bond
14 release is filed with the Department of Environmental Quality, the
15 Department shall notify any municipality in which a surface coal
16 mining operation is located by certified mail at least thirty (30)
17 days prior to the release of all or a portion of the bond.

18 B. Any person with a valid legal interest which might be
19 adversely affected by release of the bond or the responsible
20 administration officer of any federal, state or local governmental
21 agency which has jurisdiction by law or special expertise with
22 respect to any environmental, social or economic impact involved in
23 the operation, or is authorized to develop and enforce environmental
24 standards with respect to such operations, shall have the right to

1 file written objections to the proposed release from bond to the
2 Department within thirty (30) days after the last publication of the
3 above notice. If written objections are filed and a hearing
4 requested, the Department shall inform all the interested parties of
5 the time and place of the hearing, and hold a public hearing in the
6 locality of the surface coal mining operation proposed for bond
7 release within thirty (30) days of the request for such hearing. The
8 date, time and location of such public hearings shall be advertised
9 as frequently as possible by the Department in each issue of a
10 newspaper of general circulation in the locality for two (2)
11 consecutive weeks, and shall hold a public hearing in the locality
12 of the surface coal mining operation proposed for bond release or at
13 the State Capitol Building at the option of the objector within
14 thirty (30) days of the request for such hearing.

15 C. Without prejudice to the rights of the objectors, to the
16 rights of applicant, or to the responsibilities of the Department
17 pursuant to this section, the Department may establish an informal
18 conference to resolve such written objections.

19 D. For the purpose of such hearing the Department shall have
20 the authority, pursuant to the Administrative Procedures Act, and is
21 hereby empowered to administer oaths, subpoena witnesses, or written
22 or printed materials, compel the attendance of witnesses, or
23 production of the materials, and take evidence including but not
24 limited to inspections of the land affected and other surface coal

1 mining operations carried on by the applicant in the general
2 vicinity. A verbatim record of each public hearing required by this
3 act shall be made, and a transcript made available on the motion of
4 any party or by order of the Department.

5 SECTION 86. AMENDATORY 45 O.S. 2021, Section 774, is
6 amended to read as follows:

7 Section 774. A. Except as provided in subsection B of this
8 section, any person having an interest which is or may be adversely
9 affected may commence a civil action on his or her own behalf to
10 compel compliance with this act:

11 1. Against any governmental instrumentality or agency to the
12 extent permitted by the Eleventh Amendment to the Constitution of
13 the United States which is alleged to be in violation of the
14 provisions of this act or of any rule, regulation, order or permit
15 issued pursuant thereto, or against any other person who is alleged
16 to be in violation of any rule, regulation, order or permit issued
17 pursuant to this act; or

18 2. Against the Department of Environmental Quality to the
19 extent permitted by the Eleventh Amendment to the Constitution of
20 the United States where there is alleged a failure of the Department
21 to perform any act or duty under this act which is not discretionary
22 with the Department.

23 B. No action may be commenced:

24 1. Under paragraph 1 of subsection A of this section:

- 1 a. prior to sixty (60) days after the plaintiff has given
2 notice in writing of the violation to the Department,
3 and to any alleged violator, or
4 b. if the Department has commenced and is diligently
5 prosecuting a civil action in a court of this state to
6 require compliance with the provisions of this act, or
7 any rule, regulation, order or permit issued pursuant
8 to this act, but in any such action in a court of this
9 state any person may intervene as a matter of right;
10 or

11 2. Under paragraph 2 of subsection A of this section prior to
12 sixty (60) days after the plaintiff has given notice in writing of
13 such action to the Department, in such manner as the Department
14 shall by regulation prescribe, except that such action may be
15 brought immediately after such notification in the case where the
16 violation or order complained of constitutes an imminent threat to
17 the health or safety of the plaintiff or would immediately affect a
18 legal interest of the plaintiff.

19 C. Any action respecting a violation of this act or the
20 regulations thereunder may be brought only in the judicial district
21 in which the surface coal mining operation complained of is located.
22 In such action under this section, the Department, if not a party,
23 may intervene as a matter of right.
24

1 D. The court, in issuing any final order in any action brought
2 pursuant to subsection A of this section, may award costs of
3 litigation, including attorney and expert witness fees, to any
4 party, whenever the court determines such award is appropriate. The
5 court may, if a temporary restraining order or preliminary
6 injunction is sought, require the filing of a bond or equivalent
7 security.

8 E. Nothing in this section shall restrict any right which any
9 person, or class of persons, may have under any statute or common
10 law to seek enforcement of any of the provisions of this act and the
11 regulations thereunder, or to seek any other relief including relief
12 against the Department.

13 F. Any person who is injured in his person or property through
14 the violation by any operator of any rule, regulation, order or
15 permit issued pursuant to this act may bring an action for damages,
16 including reasonable attorney and expert witness fees, only in the
17 judicial district in which the surface coal mining operation
18 complained of is located. Nothing in this subsection shall affect
19 the rights established by or limits imposed under Oklahoma Workers'
20 Compensation laws.

21 SECTION 87. AMENDATORY 45 O.S. 2021, Section 775, is
22 amended to read as follows:

23 Section 775. Whenever the Department of Environmental Quality
24 has reason to believe that any person is in violation of any

1 requirement of this act or any permit condition required by this
2 act, the Department shall immediately order inspection of the
3 surface coal mining operation at which the alleged violation is
4 occurring unless the information available to the Department is a
5 result of a previous inspection of such surface coal mining
6 operation. When the inspection results from information provided to
7 the Department by any person, the Department shall notify such
8 person when the inspection is proposed to be carried out and such
9 person shall be allowed to accompany the inspector during the
10 inspection.

11 SECTION 88. AMENDATORY 45 O.S. 2021, Section 776, is
12 amended to read as follows:

13 Section 776. If, on the basis of any inspection, the Department
14 of Environmental Quality determines that any unacceptable condition
15 or practice exists, or that any permittee is in violation of any
16 requirement of this act or any permit condition required by this
17 act, which condition, practice or violation also creates an imminent
18 danger to the health or safety of the public, or is causing, or can
19 reasonably be expected to cause significant, imminent environmental
20 harm to land, air or water resources, the Department shall
21 immediately order a cessation of surface coal mining and reclamation
22 operations or the portion thereof relevant to the condition,
23 practice or violation. Such cessation order shall remain in effect
24 until the Department determines that the condition, practice or

1 violation has been abated, or until modified, vacated or terminated
2 by the Department. If the Department finds that the ordered
3 cessation of surface coal mining and reclamation operations, or any
4 portion thereof, will not completely abate the imminent danger to
5 the health or safety of the public or the significant imminent
6 environmental harm to land, air or water resources, the Department
7 shall, in addition to the cessation order, impose affirmative
8 obligations on the operator requiring him to take whatever steps the
9 Department deems necessary to abate the imminent danger or the
10 significant environmental harm.

11 SECTION 89. AMENDATORY 45 O.S. 2021, Section 777, is
12 amended to read as follows:

13 Section 777. If the Department of Environmental Quality
14 determines that any permittee is in violation of any requirement of
15 this act or any permit condition required by this act, but such
16 violation does not create an imminent danger to the health or safety
17 of the public, or cannot be reasonably expected to cause
18 significant, imminent environmental harm to land, air or water
19 resources, the Department shall issue a notice to the permittee or
20 his agent fixing a reasonable time not to exceed ninety (90) days
21 for the abatement of the violation and providing opportunity for
22 public hearing.

23 If, upon expiration of the period of time as originally fixed or
24 subsequently extended, for good cause shown and upon the written

1 finding of the Department, the Department finds that the violation
2 has not been abated, it shall immediately order a cessation of
3 surface coal mining and reclamation operations or the portion
4 thereof relevant to the violation. Such cessation order shall
5 remain in effect until the Department determines that the violation
6 has been abated, or until modified, vacated or terminated by the
7 Department. In the order of cessation issued by the Department
8 under this section, the Department shall determine the steps
9 necessary to abate the violation in the most expeditious manner
10 possible, and shall include the necessary measures to abate in the
11 order.

12 SECTION 90. AMENDATORY 45 O.S. 2021, Section 778, is
13 amended to read as follows:

14 Section 778. If the Department of Environmental Quality
15 determines that a pattern of violations of any requirements of this
16 act exists or has existed, and if the Department also finds that
17 such violations are caused by the unwarranted or willful failure of
18 the permittee to comply with any requirements of this act, the
19 Department shall immediately issue an order to the permittee to show
20 cause as to why the permit should not be suspended or revoked and
21 shall provide opportunity for a public hearing. If a hearing is
22 requested the Department shall inform all interested parties of the
23 time and place of the hearing. Upon the permittee's failure to show
24

1 cause as to why the permit should not be suspended or revoked, the
2 Department shall immediately suspend or revoke the permit.

3 SECTION 91. AMENDATORY 45 O.S. 2021, Section 779, is
4 amended to read as follows:

5 Section 779. Notices and orders issued pursuant to Sections ~~42~~
6 775 through ~~45~~ 778 of this ~~act~~ title shall set forth with reasonable
7 specificity the nature of the violation and the remedial action
8 required, the period of time established for abatement, and a
9 reasonable description of the portion of the surface coal mining and
10 reclamation operation to which the notice or order applies. Each
11 notice or order issued under this section shall be given promptly to
12 the permittee or his agent by the Department of Environmental
13 Quality and all such notices and orders shall be in writing and
14 shall be signed. Any notice or order issued pursuant to this
15 section may be modified, vacated or terminated by the Department.
16 Any notice or order which requires cessation of mining by the
17 operator shall expire within thirty (30) days of actual notice to
18 the operator unless a public hearing is held at the site or within
19 such reasonable proximity to the site that any viewings of the site
20 can be conducted during the course of public hearing.

21 SECTION 92. AMENDATORY 45 O.S. 2021, Section 780, is
22 amended to read as follows:

23 Section 780. A. The Attorney General, upon request of the
24 Department of Environmental Quality, shall institute proceedings to

1 recover any damages and expense which the Department may have
2 sustained by reason of the default of the operator. Such
3 proceedings shall be brought against the operator and surety either
4 in Oklahoma County or the county in which the violation occurred.

5 The Department may request the Attorney General to institute a
6 civil action for relief, including a permanent or temporary
7 injunction, restraining order or any other appropriate order in the
8 district court for the district in which the surface coal mining and
9 reclamation operation is located or in which the permittee thereof
10 has his principal office, whenever such permittee or his or her
11 agent:

12 1. Violates or fails or refuses to comply with any order or
13 decision issued by the Department under this act;

14 2. Interferes with, hinders or delays the Department in
15 carrying out the provisions of this act;

16 3. Refuses to admit authorized representatives of the
17 Department to the mine;

18 4. Refuses to permit inspection of the mine by authorized
19 representatives of the Department;

20 5. Refuses to furnish any information or report requested by
21 the Department in furtherance of the provisions of this act; or

22 6. Refuses to permit access to, and copying of, such records as
23 the Department determines necessary in carrying out the provisions
24 of this act.

1 B. The court shall have jurisdiction to provide such relief as
2 may be appropriate. Any relief granted by the court to enforce an
3 order under paragraph 1 of subsection A of this section shall
4 continue in effect until the completion or final termination of all
5 proceedings for review of such order under this title, unless the
6 district court granting such relief sets it aside or modifies it.

7 SECTION 93. AMENDATORY 45 O.S. 2021, Section 781, is
8 amended to read as follows:

9 Section 781. A. The Department of Environmental Quality shall
10 establish a planning process enabling objective decisions based upon
11 competent and scientifically sound data and information as to which,
12 if any, land areas or this state are unsuitable for all or certain
13 types of surface coal mining operations pursuant to the standards
14 set forth in this section but such designation shall not prevent the
15 mineral exploration pursuant to this act of any area so designated.

16 B. Upon petition, the Department shall designate an area as
17 unsuitable for all or certain types of surface coal mining
18 operations if the Department determines that reclamation pursuant to
19 the requirements of this act is not technologically and economically
20 feasible.

21 C. Upon petition, a surface area may be designated unsuitable
22 for certain types of surface coal mining operations if such
23 operations will:
24

1 1. Be incompatible with existing state or local land use plans
2 or programs;

3 2. Affect fragile or historic lands in which such operations
4 could result in significant damage to important historic, cultural,
5 scientific and esthetic values and natural systems;

6 3. Affect renewable resource lands in which such operations
7 could result in a substantial loss or reduction of long-range
8 productivity of water supply or of food or fiber products, and such
9 lands to include aquifers and aquifer recharge areas; or

10 4. Affect natural hazard lands in which such operations could
11 substantially endanger life and property, such lands to include
12 areas subject to frequent flooding and areas of unstable geology.

13 D. Determinations of the unsuitability of land for surface coal
14 mining, as provided for in this section, shall be integrated as
15 closely as possible with present and future land use planning and
16 regulation processes at the federal, state and local levels.

17 E. The requirements of this section shall not apply to lands on
18 which surface coal mining operations were being conducted on August
19 3, 1977, or under a permit issued pursuant to this act or the Coal
20 Reclamation Act of 1978, or where substantial legal and financial
21 commitments in such operation were in existence prior to January 4,
22 1977.

23 SECTION 94. AMENDATORY 45 O.S. 2021, Section 782, is
24 amended to read as follows:

1 Section 782. A. Any person having an interest which is or may
2 be adversely affected shall have the right to petition the
3 Department of Environmental Quality to have an area designated as
4 unsuitable for surface coal mining operations or to have such a
5 designation terminated. Such a petition shall contain allegations
6 of facts with supporting evidence which would tend to establish the
7 allegations. Within ten (10) months after receipt of the petition
8 the Department shall hold a public hearing in the locality of the
9 affected area, after appropriate notice and publication of the date,
10 time and location of such hearing. After a person having an
11 interest which is or may be adversely affected has filed a petition
12 and before the hearing, as required by this section, any person may
13 intervene by filing allegations of facts with supporting evidence
14 which would tend to establish the allegations. Within sixty (60)
15 days after such hearing, the Department shall issue and furnish to
16 the petitioner and any other party to the hearing, a written
17 decision regarding the petition, and the reasons therefor. In the
18 event that all the petitioners stipulate agreement prior to the
19 requested hearing, and withdraw their request, such hearing need not
20 be held.

21 B. Prior to designating any land areas as unsuitable for
22 surface coal mining operations, the Department shall prepare a
23 detailed statement on the potential coal resources of the area, the
24

1 demand for coal resources, and the impact of such designation on the
2 environment, the economy and the supply of coal.

3 SECTION 95. AMENDATORY 45 O.S. 2021, Section 783, is
4 amended to read as follows:

5 Section 783. After August 3, 1977, and subject to valid
6 existing rights, no surface coal mining operations except those
7 which existed on August 3, 1977, shall be permitted:

8 1. Within one hundred (100) feet of the outside right-of-way
9 line of any public road, except where mine access roads or haulage
10 roads join such right-of-way line and except that the Department of Environmental Quality
11 Environmental Quality may permit such roads to be relocated or the
12 area affected to lie within one hundred (100) feet of such road, if
13 after public notice and opportunity for public hearing in the
14 locality a written finding is made that the interests of the public
15 and the landowners affected thereby will be protected;

16 2. Within three hundred (300) feet from any occupied dwelling,
17 unless waived by the owner thereof, nor within three hundred (300)
18 feet of any public building, school, church, community or
19 institutional building, public park, or within one hundred (100)
20 feet of a cemetery;

21 3. Within twenty-five (25) feet plus one and one-half (1 1/2)
22 times the depth of the surface cut from the property line of an
23 adjacent property owner, if the surface cut removes and does not
24

1 replace lateral support, unless there is written agreement between
2 the operator and the adjacent property owner; or

3 4. On any land prohibited by federal law.

4 SECTION 96. AMENDATORY 45 O.S. 2021, Section 784, is
5 amended to read as follows:

6 Section 784. The Department of Environmental Quality shall have
7 the authority to enter into cooperative agreements with the United
8 States Secretary of the Interior to provide for departmental
9 regulation of surface coal mining and reclamation operations on
10 federal lands within Oklahoma.

11 SECTION 97. AMENDATORY 45 O.S. 2021, Section 786, is
12 amended to read as follows:

13 Section 786. A. A permittee issued a notice or order by the
14 Department of Environmental Quality pursuant to the provisions of
15 this act or any person having an interest which is or may be
16 adversely affected by such notice or order or by any modification,
17 vacation or termination of such notice or order, may apply to the
18 ~~Chief Mine Inspector~~ Division Director of the Division of Mines for
19 review of the notice or order within thirty (30) days of receipt
20 thereof or within thirty (30) days of its modification, vacation or
21 termination. Upon receipt of such application, the ~~Chief Mine~~
22 ~~Inspector~~ Division Director shall cause such investigation to be
23 made as it deems appropriate. Such investigation shall provide an
24 opportunity for a public hearing, at the request of the applicant or

1 the person having an interest which is or may be adversely affected,
2 to enable the applicant or such person to present information
3 relating to the issuance and continuance of such notice or order or
4 the modification, vacation or termination thereof. The filing of an
5 application for review under this subsection shall not operate as a
6 stay of any order or notice.

7 The permittee and other interested persons shall be given
8 written notice of the time and place of the hearing at least five
9 (5) days prior thereto. Any such hearing shall be of record.

10 B. Upon receiving the report of such investigation, the ~~Chief~~
11 ~~Mine Inspector~~ Division Director shall make findings of fact, and
12 shall issue a written decision, incorporating therein an order
13 vacating, affirming, modifying or terminating the notice or order,
14 or the modification, vacation or termination of such notice or order
15 complained of and incorporate his findings therein. Where the
16 application for review concerns an order for cessation of surface
17 coal mining and reclamation operations issued pursuant to the
18 provisions of this title, the ~~Chief Mine Inspector~~ Division Director
19 shall issue the written decision within thirty (30) days of the
20 receipt of the application for review, unless temporary relief has
21 been granted by the ~~Chief Mine Inspector~~ Division Director pursuant
22 to this section or by the court.

23 C. Pending completion of the investigation and hearing required
24 by this section, the applicant may file with the ~~Chief Mine~~

1 ~~Inspector~~ Division Director a written request that the ~~Chief Mine~~
2 ~~Inspector~~ Division Director grant temporary relief from any notice
3 or order issued together with a detailed statement giving reasons
4 for granting such relief. The ~~Chief Mine Inspector~~ Division
5 Director shall issue an order or decision granting or denying such
6 relief expeditiously. Where the applicant requests relief from an
7 order for cessation of coal mining and reclamation operations, the
8 order or decision on such a request shall be issued within five (5)
9 days of its receipt. The ~~Chief Mine Inspector~~ Division Director may
10 grant such relief, under such conditions as it may prescribe, if:

11 1. A hearing has been held in the locality of the permit area
12 on the request for temporary relief in which all parties were given
13 an opportunity to be heard;

14 2. The applicant shows that there is substantial likelihood
15 that the findings of the ~~Chief Mine Inspector~~ Division Director will
16 be favorable to him; and

17 3. Such relief will not adversely affect the health or safety
18 of the public or cause significant, imminent environmental harm to
19 land, air or water resources.

20 D. Following the issuance of an order to show cause as to why a
21 permit should not be suspended or revoked, the ~~Chief Mine Inspector~~
22 Division Director shall hold a public hearing after giving written
23 notice of the time, place and date. Any such hearing shall be of
24 record. Within sixty (60) days following the public hearing, the

1 ~~Chief Mine Inspector~~ Division Director shall issue and furnish to
2 the permittee and all other parties to the hearing a written
3 decision, and the reasons therefor, concerning suspension or
4 revocation of the permit. If the ~~Chief Mine Inspector~~ Division
5 Director revokes the permit, the permittee shall immediately cease
6 surface coal mining operations on the permit area and shall complete
7 reclamation within a period specified by the ~~Chief Mine Inspector~~
8 Division Director, or the ~~Chief Mine Inspector~~ Division Director
9 shall declare as forfeited the performance bonds for the operation.

10 E. Whenever an order is issued under this section, or as a
11 result of any administrative proceeding under this act, at the
12 request of any person, a sum equal to the aggregate amount of all
13 costs and expenses, including attorney fees, as determined by the
14 ~~Chief Mine Inspector~~ Division Director to have been reasonably
15 incurred by such person for or in connection with his participation
16 in such proceedings, including any judicial review of agency
17 actions, may be assessed against any party or the Department as the
18 court, resulting from judicial review or the ~~Chief Mine Inspector~~
19 Division Director, resulting from administrative proceedings, deems
20 proper.

21 SECTION 98. AMENDATORY 45 O.S. 2021, Section 787, is
22 amended to read as follows:

23 Section 787. Any order or other action of the Department of
24 Environmental Quality or the ~~Chief Mine Inspector~~ Division Director

1 of the Division of Mines shall be appealable when entered, as
2 provided in ~~Sections~~ Section 318 et seq. of Title 75 of the Oklahoma
3 Statutes.

4 SECTION 99. AMENDATORY 45 O.S. 2021, Section 789, is
5 amended to read as follows:

6 Section 789. The Department of Environmental Quality shall
7 adopt and promulgate all necessary rules and regulations including
8 rules and regulations for hearings and appeals, subject to the
9 provisions of this act and the Administrative Procedures Act, for
10 the implementation of this act. Provided, the Department shall
11 coordinate its regulations with the Office of Surface Mining to
12 ensure consistency in regulatory actions and that state
13 interpretations of the law and regulations are not more restrictive
14 than those of the Office of Surface Mining.

15 SECTION 100. AMENDATORY 45 O.S. 2021, Section 790, is
16 amended to read as follows:

17 Section 790. If any provisions of this act are required by the
18 Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) and
19 any section, clause or phrase of that Act on which this act is based
20 is declared unconstitutional or invalid by a court having
21 jurisdiction over the State of Oklahoma, the Department of
22 Environmental Quality may suspend the enforcement of that provision
23 of this act for up to twelve (12) months, and shall immediately
24

1 notify the President Pro Tempore of the Senate, and the Speaker of
2 the House of Representatives.

3 SECTION 101. AMENDATORY 45 O.S. 2021, Section 791, is
4 amended to read as follows:

5 Section 791. In compliance with all federal laws, rules and
6 regulations, the Department of Environmental Quality shall take any
7 such action as it shall deem necessary to make such compliance. The
8 Department shall make every effort to obtain full reimbursement from
9 the Director of the Office of Surface Mining and Reclamation for the
10 costs of performing its duties under this act.

11 SECTION 102. AMENDATORY 45 O.S. 2021, Section 791.1, is
12 amended to read as follows:

13 Section 791.1 In order to encourage advances in mining and
14 reclamation practices or to allow post-mining land use for
15 industrial, commercial, residential or public use (including
16 recreation facilities), the Department of Environmental Quality with
17 approval by the Secretary of the Interior may authorize departures
18 in individual cases on an experimental basis from the environmental
19 protection performance standards promulgated under Sections 746
20 through paragraph 2 of Section 760 of Title 47 of the Oklahoma
21 Statutes. Such practices may be authorized if:

22 1. The experimental practices are potentially more or at least
23 as environmentally protective, during and after mining operations,
24 as those required by promulgated standards;

1 2. The mining operations approved for particular land use or
2 other purposes are not larger or more numerous than necessary to
3 determine the effectiveness and economic feasibility of the
4 experimental practices; and

5 3. The experimental practices do not reduce the protection
6 afforded public health and safety below that provided by promulgated
7 standards.

8 SECTION 103. AMENDATORY 45 O.S. 2021, Section 792, is
9 amended to read as follows:

10 Section 792. The Department of Environmental Quality is
11 authorized to call upon the expertise of all state agencies in the
12 implementation of this act. All state agencies shall provide any
13 assistance as available on the request of the Department.

14 SECTION 104. AMENDATORY 45 O.S. 2021, Section 793, is
15 amended to read as follows:

16 Section 793. During any action under which the Office of
17 Surface Mining, Department of the Interior, assumes responsibility
18 for the inspection and enforcement of surface coal mining and
19 reclamation activities in the State of Oklahoma under the authority
20 granted by 30 U.S.C. 1271, the Department of Environmental Quality
21 may inspect such surface coal mining and reclamation activities on a
22 less frequent basis than required under Section 766 of Title 45 of
23 the Oklahoma Statutes until full authority for inspection and
24 enforcement is regained from the Office of Surface Mining.

1 SECTION 105. AMENDATORY 45 O.S. 2021, Section 852, is
2 amended to read as follows:

3 Section 852. The Governor shall be, ex officio, this state's
4 member of the Interstate Mining Compact as established by Article V
5 of the Compact. Provided, that whenever the Governor shall deem it
6 advisable to do so, he may appoint an alternate to serve in his
7 stead and thereafter such alternate shall serve at the pleasure of
8 the Governor. An executed counterpart of each letter of appointment
9 by the Governor shall be filed with the ~~Secretary of the Commission~~
10 Department of Environmental Quality.

11 SECTION 106. AMENDATORY 45 O.S. 2021, Section 901, is
12 amended to read as follows:

13 Section 901. As used in this act:

14 1. "Active workings" means any place in a mine where miners are
15 normally required to work or travel;

16 2. "American table of distances" means the 1971 edition of "The
17 American Table of Distances for Storage of Explosives" published by
18 the Institute of Makers of Explosives;

19 3. "ANFO" means ammonium nitrate fuel oil mixtures;

20 4. "Approved" means tested and accepted for a specific purpose
21 by a nationally recognized safety agency;

22 5. "Barricaded" means obstructed to restrict the passage of
23 persons, vehicles or flying materials;

24

1 6. "Berm" means a pile or mound of material capable of
2 restraining a vehicle; also a shelf, ledge or material placed to
3 contain loose slope material;

4 7. "Blasting agent" means a cap insensitive chemical
5 composition or mixture consisting of fuel and oxidizer and no
6 explosive ingredient but which can be made to detonate when
7 initiated with a high strength explosive primer;

8 8. "Blasting area" means the area near blasting operations in
9 which concussion or flying material can reasonably be expected to
10 cause injury;

11 9. "Blasting cap" means a detonator containing a charge of
12 detonating compound which is ignited by electric current or the
13 spark of a fuse and is used for detonating explosives;

14 10. "Blasting circuit" means electric current used to fire
15 electric detonators or to ignite an igniter cord by means of an
16 electric starter;

17 11. "Box-type magazine" means a small, portable magazine used
18 to store limited quantities of explosives or detonators for short
19 periods of time in locations at the mine which are convenient to the
20 blasting sites at which they will be used;

21 12. "Capped fuse" means a length of safety fuse to which a
22 detonator has been attached;

23

24

1 13. "Capped primer" means a package or cartridge of explosives
2 which is specifically designed to transmit detonation to other
3 explosives and which contains a detonator;

4 14. "Certified person" means an individual who has
5 satisfactorily passed the required ~~State~~ Department of Environmental
6 Quality Mining Board examination, thereby earning a certificate of
7 competency which will allow him to work in a particular position for
8 which certification is necessary;

9 15. "Combustible" means capable of being ignited and consumed
10 by fire;

11 16. "Commercial mine" means any mine from which the product is
12 mined for sale, exchange or commercial use. Except as the context
13 requires otherwise, this act applies only to commercial mines;

14 17. "Company official" means a member of the company
15 supervisory or technical staff;

16 18. "Department" means the ~~State of Oklahoma~~ Department of
17 Mines Environmental Quality;

18 19. "Detonator" means a device containing a small detonating
19 charge that is used for detonating an explosive including, but not
20 limited to, blasting caps, exploders, electric detonators and delay
21 electric blasting caps;

22 20. "Distribution box" means a portable apparatus with an
23 enclosure through which an electric circuit is carried to one (1) or
24

1 more cables from a single incoming feedline, each cable circuit
2 being connected through individual overcurrent protective devices;

3 21. "Electric blasting cap" means a blasting cap designed for
4 and capable of being initiated by means of an electric current;

5 22. "Electric grounding" means to connect with the ground to
6 make the earth part of the circuit;

7 23. "Employee" means a person who works for wages or salary in
8 the service of an employer;

9 24. "Employer" means a person or organization employing one (1)
10 or more persons to work for wages or salary;

11 25. "Explosive" means any chemical compound, mixture or device,
12 the primary or common purpose of which is to function by explosion.
13 Explosives include, but are not limited to, black powder, dynamite,
14 nitroglycerin, fulminate and ammonium nitrate;

15 26. "Face" or "wall" means that part of any mine where
16 excavating is progressing or was last done;

17 27. "Flammable" means capable of being easily ignited and of
18 burning rapidly as defined by the National Fire Protection
19 Association;

20 28. "Highway" means any public road or travelway used by the
21 general public;

22 29. "Igniter cord" means a fuse, cordlike in appearance, which
23 burns progressively along its length with an external flame at the
24

1 zone of burning and is used for lighting a series of safety fuses in
2 the desired sequence;

3 30. "Inhabited building" means a building regularly occupied in
4 whole or in part as a habitation for human beings, or any church,
5 schoolhouse, railroad station, store, factory or other structure
6 where people are accustomed to assemble, except any building or
7 structure occupied in connection with the manufacture,
8 transportation, storage or use of explosives;

9 31. "Inspector" means a mine inspector in the employ of the
10 State of Oklahoma;

11 32. "Magazine" means a storage place for explosives or
12 detonators;

13 33. "Major electrical installation" means an assemblage of
14 stationary electrical equipment for the generation, transmission,
15 distribution or conversion of electric power;

16 34. "Misfire" means the complete or partial failure of a
17 blasting charge to explode as planned;

18 35. "Overburden" means material of any nature, consolidated or
19 unconsolidated, that overlies a deposit of useful materials or ores
20 that are to be mined;

21 36. "Owner" means the owner, lessee, manager, superintendent,
22 operator or agent, receiver or trustee operating any clay, coal or
23 copper mine;

24

1 37. "Primer" or "booster" means a package or cartridge of
2 explosives designed specifically to transmit detonation to other
3 explosives but which does not contain a detonator;

4 38. "Reverse-current protection" means a method or device used
5 on direct-current circuits of equipment to prevent the flow of
6 current in the reverse direction;

7 39. "Roll protection" means a framework or safety canopy to
8 protect the vehicle operator if equipment should overturn;

9 40. "Safety can" means an approved container of not over five
10 (5) gallons capacity having a spring-closing lid and a spout cover;

11 41. "Safety fuse" means a train of powder enclosed in cotton,
12 jute yarn and waterproofing compounds which burns at a uniform rate.
13 It is used for firing a cap containing the detonating compound which
14 in turn sets off the explosive charge;

15 42. "Safety switch" means a sectionalizing switch that also
16 provides shunt protection in blasting circuits between the blasting
17 switch and the shot area;

18 43. "Scaling" means removal of insecure material from a face or
19 highwall;

20 44. "Secondary safety connection" means a second connection
21 between a conveyance and rope, intended to prevent the conveyance
22 from running away or falling in the event the primary connection
23 fails;

24

1 45. "Semiconductive hose" means hose having an electrical
2 resistance of not less than five thousand (5,000) ohms per foot and
3 not more than two (2) megohms for its total length, used in
4 pneumatic placement of blasting agents in boreholes;

5 46. "Sprung hole" means a blasting hole chambered or enlarged
6 to take an increased charge of explosives;

7 47. "Stemming" means the inert material, and the placing of
8 such material, on top of any charge of explosives;

9 48. "Stray current" means that portion of a total electric
10 current that flows through paths other than the intended circuit;

11 49. "Strip or surface pit" means the excavation in which
12 superincumbent strata are removed exposing the natural deposit so it
13 may be excavated and loaded by hand or by mechanical equipment in
14 open working. Strip or surface pits shall be subject to such mining
15 laws of the State of Oklahoma as apply to them, and such operations
16 shall comply with recommendations for safety of employees made by
17 the ~~Chief Mine Inspector~~ Department of Environmental Quality;

18 50. "Substantial construction" means construction of such
19 strength, material and workmanship that the object will withstand
20 all reasonable shock, wear, usage and deterioration to which it will
21 normally be subjected;

22 51. "Suitable" means that which fits and has the qualities or
23 qualifications to normally meet a given purpose, occasion,
24 condition, function or circumstance;

1 52. "Travelway" means a passage, walk or way regularly used and
2 designated for persons to go from one place to another while at
3 work;

4 53. Voltage:

5 a. "low voltage" means up to and including 660 volts,

6 b. "medium voltage" means from 661 to 1,000 volts, and

7 c. "high voltage" means more than 1,000 volts;

8 54. "Wet drilling" means the continuous application of water to
9 the back or bottom of the drill holes while drilling; and

10 55. "Working place" means any place in or about a mine where
11 work is being performed.

12 SECTION 107. AMENDATORY 45 O.S. 2021, Section 902, is
13 amended to read as follows:

14 Section 902. It shall be unlawful for any person in the State
15 of Oklahoma to act as superintendent, mine foreman or shot_firer
16 without first having obtained a certificate of competency from the
17 ~~State Mining Board as herein provided for~~ Department of
18 Environmental Quality pursuant to this section.

19 The examination given by the ~~State Mining Board~~ Department to an
20 applicant for a certificate of competency as superintendent, mine
21 foreman or shot firer shall include a written or oral or written and
22 oral examination to determine that he fully understands the
23 requirements of the mining laws of Oklahoma.

24

1 Each applicant shall hold a first-aid certificate issued to him
2 within two (2) years previous to the date of the examination by an
3 organization recognized by the ~~State Mining Board~~ Department.

4 Certificates of competency for the positions enumerated shall be
5 granted to persons who have given the ~~Chief Executive Officer of the~~
6 ~~Board~~ Department satisfactory evidence of their ability to perform
7 the duties of the positions applied for and who have obtained the
8 necessary grades as determined by the ~~Board~~ Department for
9 respective positions. In determining the grade of each applicant,
10 due respect shall be given to the applicant's previous experience
11 and record of service which shall have equal weight with the oral or
12 written examination given to test the practical and technical
13 knowledge of the applicant for the certificate of competency being
14 sought. Provided, however, successful completion of the course of
15 instruction provided by the Oklahoma Miner Training Institute (OMTI)
16 or other courses of instruction provided by other training
17 facilities and approved by the ~~Board~~ Department shall be considered
18 as having met this examination requirement.

19 SECTION 108. AMENDATORY 45 O.S. 2021, Section 903, is
20 amended to read as follows:

21 Section 903. Certifications provided for in this act shall be
22 issued under the signature and seal of the ~~State Mining Board~~
23 Department of Environmental Quality; such certificates shall bear
24 the date of issuance, full name, age and years of experience of

1 recipient and shall designate the position for which the recipient
2 is certified by the ~~Board~~ Department. Provided that all persons
3 making applications to the ~~State Mining Board~~ Department for
4 certificates of competency as mine superintendent, mine foreman or
5 shot_firer shall accompany said application with a fee of Two
6 Dollars and fifty cents (\$2.50) as a fee for such examination and
7 shall pay an additional fee of Two Dollars and fifty cents (\$2.50)
8 when said certificate is issued.

9 SECTION 109. AMENDATORY 45 O.S. 2021, Section 904, is
10 amended to read as follows:

11 Section 904. The ~~Secretary of the Board~~ Department of
12 Environmental Quality shall maintain a record of the names,
13 addresses and other pertinent information of all persons to whom
14 certificates are issued. Certificates of competency, when issued as
15 provided for herein, shall entitle the holders thereof to accept and
16 discharge the duties for which said certificates declare them
17 qualified.

18 SECTION 110. AMENDATORY 45 O.S. 2021, Section 905, is
19 amended to read as follows:

20 Section 905. The ~~State Mining Board~~ Department of Environmental
21 Quality shall have power to revoke any certificates, by it granted,
22 because of incompetency, intoxication or other sufficient cause~~;~~
23 provided that any person against whom charges are made shall have
24

1 ten (10) days written notice from the ~~Board~~ Department and shall
2 have opportunity to be heard by it in his or her own behalf.

3 SECTION 111. AMENDATORY 45 O.S. 2021, Section 906, is
4 amended to read as follows:

5 Section 906. The ~~Secretary of the Board~~ Department of
6 Environmental Quality may, ~~upon the recommendation of at least two~~
7 ~~(2) other members of the Board,~~ issue a temporary permit to an
8 applicant for a certificate for mine foreman or shot_firer. Said
9 temporary permit shall be valid ~~only until the next meeting of the~~
10 ~~Board or not to exceed~~ thirty-one (31) days.

11 SECTION 112. AMENDATORY 45 O.S. 2021, Section 907, is
12 amended to read as follows:

13 Section 907. It shall be the duty of the Department of ~~Mines~~
14 Environmental Quality to enter into and examine thoroughly each and
15 every active strip or surface mine in the state four to six times
16 annually and in response to compliance concerns to see that the
17 provisions of this act are observed and strictly carried out. Mines
18 with resident safety engineers supplying the Department with monthly
19 self-monitoring reports shall be inspected a minimum of twice a
20 year. ~~The Chief Mine Inspector or assistant inspectors, or both,~~
21 Inspectors of the Department of Environmental Quality may enter,
22 inspect and examine any strip or surface pit and the works and
23 machinery belonging thereto at all times, either by night or by day.
24 The owner and the employees may each designate a person who shall

1 accompany the inspector during the state inspection of the mine.
2 After each inspection the inspector shall make a report in
3 triplicate of the condition of the mine with recommendations and
4 orders. One copy shall be placed on file in the office of the ~~Chief~~
5 ~~Mine Inspector~~ Division Director of the Division of Mines, one copy
6 shall remain with the inspector, and one copy shall be given to the
7 operator who shall post it in a conspicuous place available for
8 public inspection where it can be read and where it shall remain
9 until the next state inspection report is issued. Within thirty
10 (30) days after receiving the report of the inspector in which any
11 important recommendations are made, the owner shall send a report to
12 the ~~Chief Mine Inspector~~ Division Director stating what steps have
13 been taken to comply with the recommendations.

14 SECTION 113. AMENDATORY 45 O.S. 2021, Section 911, is
15 amended to read as follows:

16 Section 911. A. Rules and procedures for storage of explosives
17 shall be as follows:

18 1. Detonators and other cap-sensitive high explosives shall be
19 stored in magazines provided for that purpose. Blasting agents may
20 be stored in van-type trailers, provided they are well-ventilated,
21 kept clean and free of extraneous material that could create a fire
22 hazard;

23 2. Separate magazines shall be provided for the storage of
24 detonators and for explosives;

1 3. Detonators shall not be stored in the same magazine with
2 explosives or blasting agents;

3 4. Blasting agents, safety fuse or detonating cord may be
4 stored with explosives, but blasting agents must be kept physically
5 separated from the fuse, detonating cord and explosives;

6 5. Magazines shall be:

7 a. located in accordance with the current American Table
8 of Distances for Storage of Explosives,

9 b. detached structures located away from power lines,
10 fuel storage area and other possible sources of fire,

11 c. constructed substantially of noncombustible material
12 or covered with fire-resistant material,

13 d. reasonably bullet-resistant,

14 e. electrically bonded and grounded if constructed of
15 metal,

16 f. made of nonsparking materials on the inside, including
17 floors,

18 g. provided with adequate and effectively screened
19 ventilation openings near the floor and ceiling,

20 h. kept securely locked when unattended,

21 i. posted with suitable danger signs so located that a
22 bullet passing through the face of a sign will not
23 strike the magazine,

24

1 j. used exclusively for storage of blasting agents,
2 explosives, or detonators and kept free of all
3 extraneous materials,

4 k. kept clean and dry in the interior, and in good
5 repair, and

6 l. unheated, unless heated in a manner that does not
7 create a fire or explosion hazard. Electrical heating
8 devices shall not be used inside a magazine;

9 6. Only permissible lights, worn or carried, shall be used
10 inside magazines;

11 7. Areas surrounding magazines not less than twenty-five (25)
12 feet in all directions shall be kept free of rubbish and other
13 combustibles;

14 8. Smoking and open flames shall not be permitted within
15 twenty-five (25) feet of explosives and detonator storage magazines;

16 9. Cases of explosives shall be stored in such a manner as to
17 assure the use of the oldest stock first;

18 10. Ammonium nitrate fuel oil mixtures shall be physically
19 separated from dynamite stored in the same magazine and in such a
20 manner that oil does not contaminate the dynamite; and

21 11. Cases of explosives shall not be stored on case ends or
22 sides nor in stacks over six (6) feet high.

23 B. Rules and procedures as follows shall be complied with in
24 the transportation of explosives:

1 1. Explosives and detonators shall be transported in separate
2 vehicles unless separated by four (4) inches of hardwood or the
3 equivalent;

4 2. Self-propelled vehicles used to transport explosives or
5 detonators shall be equipped with suitable fire extinguishers and
6 marked with proper warning signs;

7 3. When vehicles containing explosives or detonators are
8 parked, the brakes shall be set, the motive power shut off when not
9 in use, and if parked on an incline, the vehicle shall be blocked
10 securely against rolling;

11 4. Vehicles containing explosives or detonators shall not be
12 left unattended except in blasting areas where loading or charging
13 is in progress;

14 5. Vehicles containing explosives or detonators shall not be
15 taken to a repair garage or shop for any purpose;

16 6. Vehicles used to transport explosives or detonators shall be
17 maintained in good condition and shall be operated at a safe speed
18 and in accordance with recognized safe operating practices;

19 7. Vehicles used to transport explosives other than Ammonium
20 Nitrate Fuel Oil (ANFO) mixtures shall have substantially
21 constructed bodies, no sparking metal exposed in the cargo space,
22 and the explosives shall not be piled higher than the side or end
23 enclosures;

24

1 8. Explosives shall be transported at times and over routes
2 that endanger a minimum number of persons;

3 9. Other materials or supplies shall not be placed on or in the
4 cargo space of a conveyance containing explosives or detonators;

5 10. No person shall smoke while transporting or handling
6 explosives or detonators;

7 11. Only the necessary attendants shall ride on or in vehicles
8 containing explosives or detonators;

9 12. Explosives shall be transported promptly without undue
10 delays in transit;

11 13. Nonconductive containers with tight-fitting covers shall be
12 used to transport or carry capped fuses and electric detonators to
13 blasting sites; and

14 14. Substantial nonconductive closed containers shall be used
15 to carry explosives to blasting sites.

16 C. Rules and procedures as follows shall be complied with in
17 the use of explosives, with the exception of persons with a valid
18 coal permit issued by the Department of ~~Mines~~ Environmental Quality:

19 1. Persons who use explosives, blasting agents or detonators
20 shall be certified by the ~~Oklahoma Mining Commission~~ Department.
21 Such persons shall understand the hazards involved, and trainees
22 shall do such work only under the supervision of and in the
23 immediate presence of certified persons;

24

1 2. Blasting operations shall be under the direct control of
2 certified persons designated by the operator for that purpose;

3 3. Damaged or deteriorated explosives, blasting agents and
4 detonators shall be disposed of in a safe manner;

5 4. Holes to be blasted shall be charged as near to blasting
6 time as practical, and such holes shall be blasted as soon as
7 practical after charging has been completed;

8 5. No person shall smoke within fifty (50) feet of explosives,
9 blasting agents or detonators;

10 6. Explosives and blasting agents shall be kept separated from
11 detonators until charging of holes is started;

12 7. Primers shall be made up at the time of charging and as
13 close to the blasting site as conditions allow;

14 8. Only wooden or other nonsparking devices shall be used to
15 punch holes in explosives cartridges;

16 9. Tamping poles shall be blunt and squared at one end and made
17 of wood or other nonsparking material;

18 10. No tamping shall be done directly on primer cartridges;

19 11. Unused explosives and detonators shall be moved to a safe
20 location as soon as charging operations are completed;

21 12. Approaches to areas in which charged holes are awaiting
22 firing shall be guarded, or barricaded and posted, or flagged,
23 against unauthorized entry. If blasting is done after dark, red
24

1 flashing lights shall be used at the approaches to the blasting
2 area;

3 13. When a blast is about to be fired, ample warning shall be
4 given to allow all persons to retreat to a safe place. Each mine
5 shall have a definite plan of warning signals that can be clearly
6 seen or heard by anyone in the blasting area. The operator shall
7 inform all employees at the local mine as to the established
8 procedure;

9 14. Enclosed blasting shelters constructed of strong materials
10 shall be provided to protect all persons endangered by flying rock
11 from blasting;

12 15. When safety fuse has been used, persons shall not return to
13 misfired holes for at least thirty (30) minutes;

14 16. When electric blasting caps have been used, persons shall
15 not return to misfired holes for at least fifteen (15) minutes.
16 Leading wires from the power source must be disconnected before
17 persons can be allowed to return to the blasting sites;

18 17. Blasted materials shall be examined for undetonated
19 explosives after each blast and undetonated explosives found shall
20 be disposed of safely;

21 18. Misfires shall be reported to the proper supervisor and
22 shall be disposed of safely before any other work is performed in
23 the blasting area;

24

1 19. Blast holes in hot-hole areas and holes that have been
2 sprung shall not be charged before tests have been made to insure
3 that the heat has been dissipated to a safe level;

4 20. If explosives are suspected of burning in a hole, all
5 persons in the endangered area shall move to a safe location until
6 the danger has passed;

7 21. Holes shall not be drilled where there is danger of
8 intersecting a charge or misfired hole;

9 22. Fuses and igniters shall be stored in a cool, dry place
10 away from oils or grease;

11 23. Fuses shall not be kinked, bent sharply or handled roughly;

12 24. Fuses shall be cut and capped in safe, dry locations posted
13 with "No Smoking" signs;

14 25. Blasting caps shall be crimped to fuses only with devices
15 designed for that specific purpose;

16 26. Fuses of less than forty-eight (48) inches in length shall
17 not be used for any purpose;

18 27. At least two persons shall be present when lighting fuses,
19 and no person shall light more than fifteen individual fuses. If
20 more than fifteen holes per person are to be fired, igniter cord and
21 connectors or electric blasting shall be used;

22 28. A safe interval of time shall be allowed to light a round
23 and evacuate the blasting area;

24

1 29. Fuses shall be ignited with hot-wire lighters, lead
2 spitters, igniter cord or other such devices designed for this
3 purpose;

4 30. Fuses shall not be ignited before the primer and the entire
5 charge are securely in place;

6 31. Electric detonators of different brands shall not be used
7 in the same round;

8 32. Electric detonators shall remain shunted until they are
9 being wired into the blasting circuit. Lead lines and wired rounds
10 shall be kept shunted until immediately before blasting;

11 33. Completely wired rounds shall be tested with a blasting
12 galvanometer before connections are made to the blasting line;

13 34. Lead wires and blasting lines shall not be strung across
14 power conductors, pipelines or within twenty (20) feet of bare power
15 lines. They shall be protected from sources of static or other
16 electrical contact;

17 35. Permanent blasting lines shall be properly supported,
18 insulated and kept in good repair;

19 36. Charging shall be stopped immediately when the presence of
20 static electricity or stray current is detected; the condition shall
21 be corrected before charging is resumed;

22 37. Charging of holes shall be suspended and the persons
23 withdrawn to a safe location upon the approach of an electrical
24 storm;

1 38. Safety switches and blasting switches shall be labeled,
2 encased in boxes and arranged so that the covers of the boxes cannot
3 be closed with the switches in closed position;

4 39. Blasting switches shall be locked in the open position
5 except when closed to fire the blast. Lead wires shall not be
6 connected to the blasting switch until the shot is ready to be
7 fired;

8 40. The key to a blasting switch shall be entrusted only to the
9 person designated to fire blasts;

10 41. Electric circuits from the blasting switches to the blast
11 area shall not be grounded;

12 42. At least a five-foot air gap shall be provided between the
13 blasting circuit and the power circuit;

14 43. Where electric blasting is to be performed, electric
15 circuits to equipment within twenty-five (25) feet of a hole that is
16 to be charged with an electric blasting cap shall be de-energized
17 before electric detonators are brought into the immediate area, or
18 the electric equipment shall be moved out of the immediate area;

19 44. Power sources shall be suitable for the number of electric
20 detonators to be fired and for the type of circuits used;

21 45. When instantaneous blasting is performed, the double-
22 trunkline or loop system shall be used in detonating-cord blasting;

23 46. When instantaneous blasting is performed, trunklines in
24 multiple-row blasting shall make one or more complete loops with

1 crossties between loops at intervals of not over two hundred (200)
2 feet;

3 47. All detonating-cord knots shall be tight and all
4 connections shall be kept at right angles to the trunklines;

5 48. Delay connectors for firing detonating-cord shall be
6 treated and handled with the same safety precautions as blasting
7 caps and electric detonators; and

8 49. Detonating-cord shall not be kinked, bent or otherwise
9 handled in such a manner that the train of detonation may be
10 interrupted.

11 D. Rules and procedures as follows shall be complied with in
12 dealing with sensitized ammonium nitrate blasting agents:

13 1. When sensitized ammonium nitrate mixtures and blasting
14 agents are used, the same precautions shall be taken as for high
15 explosives;

16 2. Adequate priming shall be employed to guard against
17 misfires, increased toxic fumes and poor performance;

18 3. Where pneumatic loading is employed, before any type of
19 blasting operation using blasting agents is put into effect, an
20 evaluation of the potential hazard of static electricity shall be
21 made. Adequate steps, including the grounding of the conductive
22 parts of pneumatic loading equipment, shall be taken to eliminate
23 the hazard of static electricity before blasting agent preparation
24 is commenced;

1 4. Pneumatic loading equipment shall not be grounded to water
2 lines, air lines, rails or other permanent electrical grounding
3 systems;

4 5. Hoses used in connection with pneumatic loading machines
5 shall be of the semiconductive type having a total resistance low
6 enough to permit the dissipation of static electricity and high
7 enough to limit the flow of stray electric currents to a safe level.
8 Wire-counteracted hose shall not be used because of the potential
9 hazard from stray electric currents; and

10 6. Plastic tubes shall not be used to protect pneumatically
11 loaded blasting agent charges against water unless a positive
12 grounding system is provided to drain electrostatic charges from the
13 holes.

14 SECTION 114. AMENDATORY 45 O.S. 2021, Section 918, is
15 amended to read as follows:

16 Section 918. The following rules and procedures shall be
17 complied with in dealing with augering:

18 1. Planning:

19 before augering is done, advance planning shall be
20 made to ~~insure~~ ensure that no hazards shall be created
21 affecting active underground workings. Auger mine
22 workings and holes drilled shall be located so as to
23 prevent:
24

- 1 (1) interference with the ventilation system of any
2 underground mine, and
3 (2) inundation hazards from the surface to active
4 underground workings;

5 2. Inspection:

6 a. at least fifty (50) feet on each side of highwalls
7 being drilled shall be inspected for loose material
8 before drilling or other work in the area is begun,
9 and an inspection shall be made at least once during
10 each operating shift,

11 b. when abandoned mines or abandoned parts of active
12 mines are penetrated by drilling, machinery shall be
13 stopped and tests shall be made at the collar of the
14 hole for explosive gas or oxygen or oxygen deficiency
15 by a certified person qualified to use approved
16 instruments to make such tests. If tests show the
17 presence of gas or the lack of oxygen, the equipment
18 shall not be operated until the condition has been
19 corrected;

20 3. Auger holes; persons not to enter:

21 a. no person shall enter an auger hole for any purpose
22 without having first received permission from a
23 representative of the ~~Oklahoma~~ Department of ~~Mines~~
24 Environmental Quality,

- 1 b. auger machines and other related equipment on which
2 persons are required to work during drilling
3 operations shall be protected against falling material
4 from highwalls by heavy gauge screen or equivalent
5 material subject to the approval of the mine
6 inspector. The protective screen shall permit workmen
7 to keep the highwall in view at all times,
8 c. no work shall be done on the highwall in the vicinity
9 of drilling equipment while it is in operation;

10 4. Auger equipment; operation:

- 11 a. persons shall stay clear of the auger train while it
12 is in motion, and they shall not pass over or under
13 the auger train except where crossing facilities are
14 provided;
15 b. persons must be in the clear while auger sections are
16 being swung into position,
17 c. auger operators shall not leave the controls of the
18 equipment while the auger is operating, and
19 d. when auger operations are performed after dark,
20 adequate illumination shall be provided;

21 5. Auger Holes; blocking: auger holes shall be securely
22 blocked by spoil or other suitable material before they are
23 abandoned.
24

1 SECTION 115. AMENDATORY 45 O.S. 2021, Section 931, is
2 amended to read as follows:

3 Section 931. A. All operators of coal mining operations shall
4 pay to the Department of ~~Mines~~ Environmental Quality a fee of seven
5 and one-half cents (\$0.075) per ton of coal produced.

6 B. All operators of noncoal mining operations shall pay to the
7 Department of ~~Mines~~ a fee of one and one-fourth cents (\$0.0125) per
8 ton of mineral produced. For the purposes of this section,
9 "mineral" shall be defined as provided in paragraph 4 of Section 723
10 of this title.

11 C. The fees imposed by this section shall be paid no later than
12 thirty (30) days after the end of each calendar quarter beginning
13 the first calendar quarter after June 30, 1982.

14 D. The Department shall develop and promulgate a report form,
15 which shall be as similar as possible to the form required of
16 operators by federal law, and which shall state the amount of coal
17 or mineral produced during the calendar quarter, the method of coal
18 or mineral removal, and the type of coal or mineral. The operator
19 shall swear to the accuracy of the report before a notary public,
20 who shall duly notarize the report.

21 E. All fees collected by the Department of ~~Mines~~ pursuant to
22 this section shall be deposited with the State Treasurer, who shall
23 credit one cent (\$0.01) per ton of fees collected on coal produced
24 on or after July 1, 1988, and one-tenth of one cent (\$0.001) per ton

1 of fees collected on minerals produced on or after July 1, 1988, to
2 the Oklahoma Miner Training Institute Revolving Fund, with the
3 balance of the fees collected to be deposited in the Department of
4 Mines Environmental Quality Revolving Fund established in Section 2-
5 3-401 of Title 27A of the Oklahoma Statutes.

6 SECTION 116. AMENDATORY 45 O.S. 2021, Section 938.1, is
7 amended to read as follows:

8 Section 938.1 There is hereby created in the State Treasury a
9 revolving fund for the Oklahoma Miner Training Institute to be
10 designated the "Oklahoma Miner Training Institute Revolving Fund".
11 The fund shall be a continuing fund, not subject to fiscal year
12 limitations, and shall consist of all monies designated by Section
13 931 of this title to be deposited in the fund. All monies accruing
14 to the credit of said fund are hereby appropriated and may be
15 budgeted and expended by the ~~Oklahoma Mining Commission~~ Department
16 of Environmental Quality for the contract with the Board of Regents
17 of Eastern Oklahoma State College for operation of the Oklahoma
18 Miner Training Institute and associated expenses. Expenditures from
19 said fund shall be made upon warrants issued by the State Treasurer
20 against claims filed as prescribed by law with the Director of the
21 Office of Management and Enterprise Services for approval and
22 payment.

23 SECTION 117. AMENDATORY 45 O.S. 2021, Section 950, is
24 amended to read as follows:

1 Section 950. A. For purposes of this section, a "subject mine"
2 shall mean a mine, as defined in paragraph 2 of Section 723 of Title
3 45 of the Oklahoma Statutes, proposed for a location overlying a
4 sensitive sole source groundwater basin or subbasin, exclusive of
5 any mine that meets at least one of the following conditions:

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

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

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

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

17 B. Due to the inadequacy of existing technical resources,
18 analytic tools and regulatory systems for purposes of the effective
19 implementation of statutes relating to the operation of mines that
20 overlies a sensitive sole source groundwater basin or subbasin, the
21 Legislature hereby declares and establishes a moratorium on the
22 Department of ~~Mines~~ Environmental Quality issuing, in relation to
23 any location overlying a sensitive sole source groundwater basin or
24 subbasin or in which groundwater emanating from any sensitive sole

1 source groundwater basin or subbasin may collect within a pit, as
2 defined in paragraph 12 of Section 723 of Title 45 of the Oklahoma
3 Statutes:

4 1. Any permit, pursuant to Section 724 of Title 45 of the
5 Oklahoma Statutes, to any subject mine;

6 2. Any amendment or revision to any existing mining permit,
7 that covers additional land which shall include extensions of
8 boundaries shown in the initial permit, pursuant to subsection J of
9 Section 724 of Title 45 of the Oklahoma Statutes, if such amendment
10 or revision would increase the acreage under such permit for that
11 mine location by more than one hundred percent (100%) or four
12 hundred (400) acres, whichever is less, as compared to the acreage
13 under permit for that mine location prior to ~~the effective date of~~
14 ~~this act~~ November 1, 2019; provided, however, on or after November
15 1, 2030, there shall be no limitation on an increase in acreage as
16 specified in this paragraph.

17 C. Notwithstanding the moratorium, nothing in paragraph 2 of
18 subsection B of this section shall preclude the Department of ~~Mines~~
19 Environmental Quality from issuing an amendment or revision to cover
20 additional land, other changes to method or conduct of mining,
21 reclamation operations contemplated by the original permit or other
22 authorization to allow a change in mine ownership or to implement
23 bonding under a permit issued prior to ~~the effective date of this~~
24 ~~act~~ November 1, 2019, nor shall any permit amendment or revision

1 issued pursuant to this section be deemed to render the permitted
2 mine a subject mine for purposes of Title 27A,~~45~~ or 82 of the
3 Oklahoma Statutes.

4 D. Notwithstanding the moratorium or any other provision of
5 law, the Department of ~~Mines~~ Mines Environmental Quality shall not require
6 a permit for purposes of road or railroad construction in relation
7 to mining activities by any mine.

8 E. The moratorium shall remain in effect until such time as:

9 1. The conditions of subsection C of Section ~~3 of this act~~
10 1020.9C of Title 82 of the Oklahoma Statutes have been satisfied;
11 and

12 2. The Department of ~~Mines~~ Mines Environmental Quality promulgates
13 final rules to provide for effective interagency consultation and
14 coordination of activities among the Department, and the Oklahoma
15 Water Resources Board ~~and the Department of Environmental Quality~~ on
16 all administrative matters relating to the operation of mines at
17 locations that overlie a sensitive sole source groundwater basin or
18 subbasin.

19 F. The Department of ~~Mines~~ Mines Environmental Quality is hereby
20 authorized and instructed to promulgate rules to implement the
21 provisions of this section.

22 G. The Department of ~~Mines~~ Mines Environmental Quality is hereby
23 authorized to cooperate with federal, tribal and any other agencies
24 in this state in performing its responsibilities under this section.

1 SECTION 118. AMENDATORY 47 O.S. 2021, Section 156, is
2 amended to read as follows:

3 Section 156. A. Unless otherwise provided for by law, no state
4 board, commission, department, institution, official, or employee,
5 except the following, shall purchase any passenger automobile or bus
6 with public funds:

- 7 1. The Department of Public Safety;
- 8 2. The Department of Human Services;
- 9 3. The State Department of Rehabilitation Services;
- 10 4. The Department of Wildlife Conservation;
- 11 5. The Department of Corrections;
- 12 6. The State Department of Education;
- 13 7. The Oklahoma School of Science and Mathematics;
- 14 8. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
15 Control;
- 16 9. The Oklahoma State Bureau of Investigation;
- 17 10. The Transportation Commission;
- 18 11. The Oklahoma Department of Agriculture, Food, and Forestry;
- 19 12. The State Department of Health;
- 20 13. The Department of Mental Health and Substance Abuse
21 Services;
- 22 14. The J.D. McCarty Center for Children with Developmental
23 Disabilities;
- 24 15. The Military Department of the State of Oklahoma;

- 1 16. The Oklahoma Tourism and Recreation Department;
- 2 17. The Oklahoma Conservation Commission;
- 3 18. The Oklahoma Water Resources Board;
- 4 19. ~~The Department of Mines;~~
- 5 ~~20.~~ The Office of Juvenile Affairs;
- 6 ~~21.~~ 20. The Oklahoma Department of Veteran Affairs;
- 7 ~~22.~~ 21. The Oklahoma Supreme Court;
- 8 ~~23.~~ 22. The District Attorneys Council and Oklahoma district
- 9 attorneys, provided adequate funding exists;
- 10 ~~24.~~ 23. The Oklahoma Boll Weevil Eradication Organization; and
- 11 ~~25.~~ 24. The Oklahoma Horse Racing Commission.

12 B. 1. The Oklahoma School for the Deaf at Sulphur, the
13 Oklahoma School for the Blind at Muskogee, and any state institution
14 of higher education may purchase, own, or keep if now owned, or
15 acquire by lease or gift, and use and maintain such station wagons,
16 automobiles, trucks, or buses as are reasonably necessary for the
17 implementation of the educational programs of said institutions.

18 2. No bus operated, owned, or used by such educational
19 institutions shall be permitted to carry any person other than
20 students, faculty members, employees, or volunteers of such
21 institutions. The provisions of this section shall not be construed
22 to prohibit:

- 23 a. the operation of intracampus buses or buses routed
- 24 directly between portions of the campus of any

1 institution not adjacent to each other, nor to
2 prohibit the collection of fares from such students,
3 faculty members, or employees of such institutions,
4 sufficient in amount to cover the reasonable cost of
5 such transportation, or

6 b. the Oklahoma School for the Blind or the Oklahoma
7 School for the Deaf from entering into agreements with
8 local public school districts pursuant to the
9 Interlocal Cooperation Act for the mutual use of the
10 schools' and the districts' vehicles. Such use may
11 include, but is not limited to, the transportation of
12 students from local school districts with students
13 from the Oklahoma School for the Blind or the Oklahoma
14 School for the Deaf in vehicles owned by the Oklahoma
15 School for the Blind or the Oklahoma School for the
16 Deaf when traveling to school-related activities.

17 C. The J.D. McCarty Center for Children with Developmental
18 Disabilities, the Oklahoma Department of Libraries, the Oklahoma
19 Department of Veterans Affairs, and the Oklahoma Veterans Centers
20 may own and maintain such passenger vehicles as those institutions
21 have acquired prior to May 1, 1981.

22 D. The use of station wagons, automobiles, and buses, other
23 than as provided for in this section, shall be permitted only upon
24 written request for such use by heads of departments of the

1 institution, approved in writing by the president of said
2 institution or by some administrative official of said institution
3 authorized by the president to grant said approval. Such use shall
4 be permitted only for official institutional business or activities
5 connected therewith. Such use shall be subject to the provisions of
6 Section 156.1 of this title forbidding personal use of such
7 vehicles, and to the penalties therein declared.

8 E. Any person convicted of violating the provisions of this
9 section shall be guilty of a misdemeanor and shall be punished by
10 fine or imprisonment, or both, as provided for in Section 156.1 of
11 this title.

12 F. For the purpose of this section and Section 156.3 of this
13 title, a station wagon is classified as a passenger automobile and
14 may not be purchased solely for the use of transporting property.
15 Such vehicles shall include, but not be limited to, all vehicles
16 which have no separate luggage compartment or trunk but which do not
17 have open beds, whether the same are called station wagons, vans,
18 suburbans, town and country, blazers, or any other names. All state
19 boards, commissions, departments, and institutions may own and
20 maintain station wagons purchased solely for the purpose of
21 transporting property if acquired prior to July 1, 1985.

22 G. The provisions of this section and Section 156.1 of this
23 title shall not apply to public officials who are statewide elected
24 commissioners.

1 SECTION 119. AMENDATORY 51 O.S. 2021, Section 24A.27, is
2 amended to read as follows:

3 Section 24A.27 A. Any state environmental agency or public
4 utility shall keep confidential vulnerability assessments of
5 critical assets in both water and wastewater systems. State
6 environmental agencies or public utilities may use the information
7 for internal purposes or allow the information to be used for survey
8 purposes only. The state environmental agencies or public utilities
9 shall allow any public body to have access to the information for
10 purposes specifically related to the public bodies function.

11 B. For purposes of this section:

12 1. "State environmental agencies" includes the:

- 13 a. Oklahoma Water Resources Board,
- 14 b. Oklahoma Corporation Commission,
- 15 c. ~~State~~ Oklahoma Department of Agriculture, Food, and
16 Forestry,
- 17 d. Oklahoma Conservation Commission,
- 18 e. Department of Wildlife Conservation, and
- 19 f. ~~Department of Mines, and~~
- 20 ~~g.~~ Department of Environmental Quality;

21 2. "Public utility" means any individual, firm, association,
22 partnership, corporation or any combination thereof, municipal
23 corporations or their lessees, trustees and receivers, owning or
24

1 operating for compensation in this state equipment or facilities
2 for:

- 3 a. producing, generating, transmitting, distributing,
4 selling or furnishing electricity,
- 5 b. the conveyance, transmission, reception or
6 communications over a telephone system,
- 7 c. transmitting directly or indirectly or distributing
8 combustible hydrocarbon natural or synthetic natural
9 gas for sale to the public, or
- 10 d. the transportation, delivery or furnishing of water
11 for domestic purposes or for power.

12 SECTION 120. AMENDATORY 59 O.S. 2021, Section 3022, is
13 amended to read as follows:

14 Section 3022. As used in the Elevator Safety Act:

15 1. "Agency" means the Oklahoma Department of Labor;

16 2. "Certificate of operation" means a document issued by the
17 Commissioner and affixed to an elevator that indicates that the
18 elevator has been inspected and tested and found to be in compliance
19 with all applicable standards of operation as determined by the
20 Department of Labor;

21 3. "Certificate of operation - temporary" means a document
22 issued by the Commissioner that permits temporary use of a
23 noncompliant elevator by the general public for not more than thirty
24 (30) days while minor repairs are being completed;

1 4. "Commissioner" means the Commissioner of Labor or his/her
2 authorized representative;

3 5. "Chief elevator inspector" means the chief elevator
4 inspector appointed under the Elevator Safety Act;

5 6. "Deputy inspector" means an inspector appointed by the chief
6 elevator inspector subject to the approval of the Commissioner under
7 the provisions of the Elevator Safety Act;

8 7. a. "Elevator" means any device for lifting or moving
9 people, cargo, or freight within, or adjacent and
10 connected to, a structure or excavation, and includes
11 any escalator, power-driven stairway, moving walkway
12 or stairway chair lift.

13 b. The term "elevator" does not mean any:

14 (1) amusement ride or device subject to inspection
15 and regulation under the provisions of Section
16 460 et seq. of Title 40 of the Oklahoma Statutes,

17 (2) mining equipment subject to inspection and
18 regulation by the Department of ~~Mines~~
19 Environmental Quality,

20 (3) aircraft, railroad car, boat, barge, ship, truck,
21 or other self-propelled vehicle or component
22 thereof,

23 (4) boiler grate stoker or other similar firing
24 mechanism subject to inspection under the

1 provisions of the Oklahoma Boiler and Pressure
2 Vessel Safety Act,

3 (5) dumbwaiter, conveyor, chain or bucket hoist,
4 construction hoist or similar devices used for
5 the primary purpose of elevating or lowering
6 materials, or

7 (6) elevator, conveyance, manlift or similar device
8 in grain elevators, grain warehouses, seed
9 processing facilities, feed mills and/or flour
10 mills which is used by employees, but is not
11 accessible to or used by customers or members of
12 the general public.

13 This list is not exhaustive;

14 8. "Elevator apprentice" means an unlicensed person registered
15 with the Department of Labor who works under the direct supervision
16 of a licensed elevator mechanic, licensed elevator contractor, or
17 licensed elevator inspector;

18 9. "Licensed elevator contractor" means a person or business
19 entity that possesses a valid elevator contractor's license issued
20 by the Department of Labor pursuant to the provisions of the
21 Elevator Safety Act and is thus entitled to engage in the business
22 of erecting, constructing, installing, altering, servicing,
23 repairing, or maintaining elevators;

1 10. "Licensed elevator inspector" means a person who possesses
2 a valid elevator inspector's license issued by the Department of
3 Labor pursuant to the provisions of the Elevator Safety Act and is
4 thus entitled to engage in the business of inspecting elevators;

5 11. "Licensed elevator mechanic" means a person who possesses a
6 valid elevator mechanic's license issued by the Department of Labor
7 in accordance with the provisions of the Elevator Safety Act and is
8 thus, when employed by a licensed elevator contractor, entitled to
9 install, construct, alter, service, repair, perform electrical work
10 on, test, and maintain elevators; and

11 12. "Private residence" means a separate dwelling or a separate
12 apartment in a multiple dwelling that is occupied by members of a
13 single-family unit.

14 SECTION 121. AMENDATORY 63 O.S. 2021, Section 122.2, is
15 amended to read as follows:

16 Section 122.2 The provisions of this section specify the
17 jurisdictional areas of state agencies relating to the regulation of
18 blasting and explosives. Agencies regulating explosives and
19 blasting are directed to cooperate and coordinate with each other as
20 necessary to carrying out the duties required to regulate
21 explosives. Agencies regulating explosives may enter into
22 interagency agreements with other state agencies and law enforcement
23 agencies of any political subdivision of this state for the purpose
24 of conducting investigations related to the regulation of explosives

1 or criminal activity. The jurisdictional areas of responsibility
2 specified in this section shall be in addition to those otherwise
3 provided by law and assigned to the specific state agency as
4 follows:

5 1. Department of ~~Mines~~ Environmental Quality. The Department
6 of ~~Mines~~ Environmental Quality shall have the following
7 jurisdictional areas relating to the regulation of blasting and
8 explosives:

- 9 a. the use of explosives and blasting activities for
10 surface and nonsurface mining operations pursuant to
11 Title 45 27A of the Oklahoma Statutes,
- 12 b. except as otherwise provided by ~~this part~~ Section
13 122.1 et seq. of this title, the use of explosives and
14 blasting activities for nonmining activities, and
- 15 c. except as otherwise provided by ~~this part~~ Section
16 122.1 et seq. of this title, the regulation of the use
17 of explosives or of blasting activity not subject to
18 the specific statutory authority of another state
19 agency;

20 2. State Fire Marshal. The State Fire Marshal shall have
21 regulatory jurisdictional responsibility relating to explosives as
22 follows:

- 23 a. the regulation of the manufacture, sale,
24 transportation for hire or storage of explosives or

- 1 blasting agents for resale pursuant to Division 2 of
2 the Oklahoma Explosives and Blasting Regulation Act,
3 b. the examination of buildings and premises and
4 reporting and orders authorized pursuant to Section
5 317 of Title 74 of the Oklahoma Statutes, and
6 c. licensure, regulation and enforcement of fire
7 extinguishers, pursuant to the Fire Extinguisher
8 Licensing Act;

9 3. The Department of Public Safety. The Department of Public
10 Safety shall have the regulatory jurisdictional responsibility
11 relating to explosives as follows:

- 12 a. the transportation of explosives or blasting agents
13 classified as hazardous materials pursuant to the
14 Oklahoma Motor Carrier Safety and Hazardous Materials
15 Transportation Act,
16 b. the construction or making of any explosive or
17 explosive device not subject to specific regulatory
18 authority of another state agency,
19 c. the intentional storage of any materials which are
20 intended to be used to construct or make any explosive
21 or explosive device not subject to specific regulatory
22 authority of another state agency, and
23
24

1 d. the intentional use of any explosive or explosive
2 device in any manner not subject to specific
3 regulatory authority of another state agency.

4 Provided, nothing in this provision shall be construed to expand
5 jurisdiction of the Department of Public Safety to investigate any
6 crime occurring within the jurisdiction of another law enforcement
7 authority of any political subdivision of this state, and nothing
8 shall prohibit, limit, or restrict any law enforcement officer,
9 agency, or specialized law enforcement unit from investigating or
10 otherwise performing any duty or responsibility for crimes within
11 their respective jurisdiction relating to explosives, blasting
12 agents, or hazardous materials; and

13 4. Department of Environmental Quality. The Department of
14 Environmental Quality shall have jurisdictional responsibility
15 relating to the regulation and disposal of explosives or blasting
16 agents classified as solid or hazardous waste pursuant to the
17 Oklahoma Environmental Quality Code.

18 SECTION 122. AMENDATORY 63 O.S. 2021, Section 123.1, is
19 amended to read as follows:

20 Section 123.1 A. Pursuant to the Oklahoma Explosives and
21 Blasting Regulation Act, except as otherwise provided by ~~this part~~
22 Section 122.1 et seq. of this title, the Department of ~~Mines~~
23 Environmental Quality shall be responsible for the administration,
24 regulation and enforcement of all blasting operations or activities,

1 and the storage and use of all blasting agents and explosives by any
2 person, which is not located within the area of a mining operation
3 or site.

4 B. Except as otherwise provided by ~~this part~~ Section 122.1 et
5 seq. of this title, it shall be unlawful for any person to store or
6 use any blasting agents or explosives, or conduct, supervise or
7 control a blasting operation in this state without first complying
8 with the provisions of the Oklahoma Explosives and Blasting
9 Regulation Act and rules promulgated by the ~~Oklahoma Mining~~
10 ~~Commission~~ Environmental Quality Board.

11 C. Except as otherwise required by ~~this part~~ Section 122.1 et
12 seq. of this title, by January 1, 1996:

13 1. Any person performing blasting activity shall be certified
14 as a blaster by the Department of ~~Mines~~ Environmental Quality;

15 2. All blasting operations shall be conducted under the
16 direction of a certified blaster. Blaster certification may be
17 obtained from the Department upon application and proof of
18 competency as determined by rules of the Department; and

19 3. Before January 1, 1996, all blasting operations and
20 activities shall be conducted by competent, experienced persons who
21 understand the hazards involved.

22 D. Any blaster certification issued by the Department shall be
23 carried by the blaster or shall be on file at the blasting area
24 during blasting operations.

1 E. A blaster and at least one other person shall be present at
2 the firing of a blast.

3 SECTION 123. AMENDATORY 63 O.S. 2021, Section 123.2, is
4 amended to read as follows:

5 Section 123.2 A. Except as otherwise provided by ~~this part~~
6 Section 122.1 et seq. of this title, it is a violation to
7 manufacture, store, or use explosives or blasting agents without
8 first obtaining a permit from the Department of ~~Mines~~ Environmental
9 Quality.

10 B. Permits issued under ~~this division~~ Section 123.1 et seq. of
11 this title shall not be transferable, and shall be readily available
12 for inspection by representatives of the Department and law
13 enforcement officials.

14 C. The Department may place such restrictions and limitations
15 on permits as it deems necessary.

16 D. The Department may issue one-time or limited-time permits or
17 permits for continuous blasting operations.

18 E. 1. Permits for continuous blasting operations issued under
19 ~~this division~~ Section 123.1 et seq. of this title shall be valid for
20 the calendar year after the date of issue unless revoked or
21 suspended. Permits for continuous blasting operations may be
22 renewed on each issuance date and a showing of compliance with the
23 Oklahoma Explosives and Blasting Regulation Act and rules
24 promulgated thereto.

1 2. Permits for one-time or limited-time permits shall be valid
2 only for the time specified in the permit.

3 F. Any person holding a permit issued under ~~this division~~
4 Section 123.1 et seq. of this title shall keep such records as may
5 be required by the Department. Records shall be maintained for not
6 less than two (2) years following the year in which the record is
7 made. All such records shall be open to inspection by the
8 Department or its representatives during normal business hours.

9 SECTION 124. AMENDATORY 63 O.S. 2021, Section 123.2A, is
10 amended to read as follows:

11 Section 123.2A A. No person shall purchase blasting agents or
12 explosives in this state without first obtaining a permit pursuant
13 to the Oklahoma Explosives and Blasting Regulation Act or without
14 first obtaining written notification from the Department of ~~Mines~~
15 Environmental Quality that the person is exempt from this permit
16 requirement.

17 B. Distributors or sellers of blasting agents or explosives
18 shall require presentation of either the permit or exemption
19 notification required in subsection A of this section before the
20 sale or transfer of blasting agents or explosives.

21 C. The ~~Oklahoma Mining Commission~~ Environmental Quality Board
22 shall promulgate rules to implement this section.

23 SECTION 125. AMENDATORY 63 O.S. 2021, Section 123.3, is
24 amended to read as follows:

1 Section 123.3 The Department of Environmental Quality shall
2 enforce the provisions of ~~this division~~ Section 123.1 et seq. of
3 this title and for such purposes shall:

4 1. Issue permits to applicants found by the Department, after
5 inspection and investigation, to be qualified for such permit under
6 the provisions of ~~this division~~ Section 123.1 et seq. of this title
7 and the rules promulgated by the Department;

8 2. Deny, suspend, or revoke permits upon a finding of
9 noncompliance or violation of the provisions of ~~this division~~
10 Section 123.1 et seq. of this title or of the applicable rules of
11 the Department;

12 3. Hold hearings upon the application of any person aggrieved
13 by any order of the Department with respect to the denial,
14 suspension, or revocation of any permit; and

15 4. Inspect, during normal business hours, any building,
16 structure, or premises subject to the provisions of ~~this division~~
17 Section 123.1 et seq. of this title, and, upon the discovery of any
18 violation of ~~this division~~ Section 123.1 et seq. of this title or
19 the applicable rules, issue such orders as are necessary for the
20 safety of workers and the public, and, in the case of imminent
21 hazard or emergency, apply for an injunction in the appropriate
22 district court.

23 SECTION 126. AMENDATORY 63 O.S. 2021, Section 123.4, is
24 amended to read as follows:

1 Section 123.4 A. The Department of ~~Mines~~ Environmental Quality
2 shall promulgate the necessary rules to implement the provisions of
3 ~~this Division~~ Section 123.1 et seq of this title. Rules promulgated
4 by the Department shall include but not be limited to requirements
5 for blasting plans, use of explosives, public notices, and records.

6 B. The Department of ~~Mines~~ Environmental Quality may establish
7 a schedule of fees to be charged for applications for or issuance of
8 new and renewed certifications and permits required pursuant to ~~this~~
9 ~~division~~ Section 123.1 et seq. of this title. The fees shall be
10 subject to the following provisions:

11 1. The Department shall follow the procedures required by the
12 Administrative Procedures Act for promulgating rules in establishing
13 or amending any such schedule of fees;

14 2. The Department shall base its schedule of fees upon the
15 reasonable costs of operating the programs specified by ~~this~~
16 ~~division~~ Section 123.1 et seq. of this title; and

17 3. The fees authorized by this section shall not be implemented
18 by emergency rule but shall be adopted by permanent rules, which
19 shall be submitted to the Legislature for review pursuant to Section
20 308 of Title 75 of the Oklahoma Statutes prior to implementation.

21 SECTION 127. AMENDATORY 63 O.S. 2021, Section 123.5, is
22 amended to read as follows:

23 Section 123.5 A. In the enforcement of the Oklahoma Explosives
24 and Blasting Regulation Act pursuant to ~~this division~~ Section 123.1

1 et seq. of this title, any person who violates any permit condition
2 or who violates any other provision of the Oklahoma Explosives and
3 Blasting Regulation Act or rules promulgated thereto pursuant to
4 ~~this division~~ Section 123.1 et seq. of this title may be assessed an
5 administrative penalty by the Department. Such penalty shall not
6 exceed Five Thousand Dollars (\$5,000.00) for each violation. Each
7 day of continuing violation may be deemed a separate violation for
8 purposes of penalty assessments. In determining the amount of the
9 penalty, consideration shall be given to the person's history of
10 previous violations regarding explosives and blasting operation; the
11 seriousness of the violation, including any irreparable harm to the
12 environment and any hazard to the health or safety of the public;
13 whether the person was negligent; and the demonstrated good faith of
14 the person charged in attempting to achieve rapid compliance after
15 notification of the violation.

16 B. An administrative penalty shall be assessed by the
17 Department of Environmental Quality only after the person charged
18 with a violation described under subsection A of this section has
19 been given an opportunity for a hearing pursuant to Article II of
20 the Administrative Procedures Act. Where such a hearing has been
21 held, the Department shall make findings of fact, and shall issue a
22 written decision as to the occurrence of the violation and the
23 amount of the penalty which is warranted, incorporating, when
24 appropriate, an order therein requiring that the penalty be paid.

1 When appropriate, the Department shall consolidate such hearings
2 with other proceedings under the Oklahoma Explosives and Blasting
3 Regulation Act. Any hearing under this section shall be of record.
4 Where the person charged with such a violation fails to avail
5 himself of the opportunity for a hearing, an administrative penalty
6 shall be assessed by the Department after determining that a
7 violation did occur, and the amount of the penalty which is
8 warranted, and issuing an order requiring that the penalty be paid.

9 C. Upon the issuance of a notice or order charging that a
10 violation of the Oklahoma Explosives and Blasting Regulation Act has
11 occurred, the Department shall inform the operator within thirty
12 (30) days of the proposed amount of said penalty. The person
13 charged with the penalty shall then have thirty (30) days to pay the
14 proposed penalty in full or, if the person wishes to contest either
15 the amount of the penalty or the fact of the violation, forward the
16 proposed amount to the Department for placement in an escrow
17 account. If through administrative or judicial review of the
18 proposed penalty, it is determined that no violation occurred, or
19 that the amount of the penalty should be reduced, the Department
20 shall within thirty (30) days remit the appropriate amount to the
21 person.

22 D. Administrative penalties owed under the Oklahoma Explosives
23 and Blasting Regulation Act may be recovered in a civil action
24 brought by the Attorney General or any district attorney in the

1 district in which the violation occurred at the request of the
2 Department in the appropriate district court. Such action, also,
3 may be brought by the Department.

4 E. Any person who willfully and knowingly violates a condition
5 of a permit issued pursuant to ~~this division~~ Section 123.1 et seq.
6 of this title or fails or refuses to comply with any order issued
7 under ~~this division~~ Section 123.1 et seq. of this title, or any
8 order incorporated in a final decision issued by the Department
9 under ~~this division~~ Section 123.1 et seq. of this title, shall, upon
10 conviction, be punished by a fine of not more than Ten Thousand
11 Dollars (\$10,000.00) or by imprisonment for not more than one (1)
12 year, or both.

13 F. Whenever a corporate permittee violates a condition of a
14 permit issued pursuant to ~~this division~~ Section 123.1 et seq. of
15 this title or fails or refuses to comply with any order issued under
16 this division, or any order incorporated in a final decision issued
17 by the Executive Director of the Department of ~~Mines~~ Environmental
18 Quality under ~~this division~~ Section 123.1 et seq. of this title, any
19 director, officer or agent of such corporation who willfully and
20 knowingly authorized, ordered or carried out such violation, failure
21 or refusal shall be subject to the same administrative penalties,
22 fines and imprisonment that may be imposed upon a person under
23 subsections A and E of this section.

24

1 G. Whoever knowingly makes any false statement, representation
2 or certification, or knowingly fails to make any statement,
3 representation or certification in any application, record, report,
4 plan or other document filed or required to be maintained pursuant
5 to ~~this division~~ Section 123.1 et seq. of this title or any order of
6 decision issued by the Department under ~~this division~~ Section 123.1
7 et seq. of this title, shall, upon conviction, be punished by a fine
8 of not more than Ten Thousand Dollars (\$10,000.00) or by
9 imprisonment for not more than one (1) year, or both.

10 H. Any person who fails to correct a violation for which a
11 citation has been issued within the period permitted for its
12 correction shall be assessed an administrative penalty of not less
13 than Seven Hundred Fifty Dollars (\$750.00) for each day during which
14 such failure or violation continues.

15 The period permitted for corrections of violations shall not end
16 until:

17 1. The entry of a final order by the Department after an
18 expedited hearing which ordered the suspension of the abatement
19 requirements of the citation because it was determined that the
20 person will suffer irreparable loss or damage from the application
21 of the abatement requirements; or

22 2. The entry of an order by a court in any review proceedings
23 initiated by the person in which the court orders the suspension of
24 the abatement requirements.

1 I. Any person who shall, except as permitted by law, willfully
2 resist, prevent, impede or interfere with the Department or any of
3 the agents or employees thereof in the performance of duties
4 pursuant to this division shall, upon conviction, be punished by a
5 fine of not more than Five Thousand Dollars (\$5,000.00), or by
6 imprisonment for not more than one (1) year, or both.

7 SECTION 128. AMENDATORY 63 O.S. 2021, Section 123.7, is
8 amended to read as follows:

9 Section 123.7 Any fees, administrative penalties or any other
10 monies obtained by the Department of ~~Mines~~ Environmental Quality
11 pursuant to the Oklahoma Explosives and Blasting Regulation Act
12 shall be deposited in the Department of ~~Mines~~ Environmental Quality
13 Revolving Fund established in Section 2-3-401 of Title 27A of the
14 Oklahoma Statutes and shall be expended by the Department of ~~Mines~~
15 Environmental Quality for implementation and enforcement of ~~this~~
16 ~~part~~ Section 122.1 et seq. of this title or as otherwise deemed
17 necessary by the Department for complying with its responsibilities
18 and duties according to law.

19 SECTION 129. AMENDATORY 63 O.S. 2021, Section 123.8, is
20 amended to read as follows:

21 Section 123.8 A. 1. The provisions of the Oklahoma Explosives
22 and Blasting Regulation Act shall not apply to:

23 a. persons engaged in shooting wells or seismographic
24 operations for the purpose of oil or gas production,

1 b. mining operations regulated by Title ~~45~~ 27A of the
2 Oklahoma Statutes, and

3 c. persons using explosives or blasting agents for
4 noncommercial use on their own land, owned in fee or
5 by contract, for the removal of trees, rocks and dams
6 or for other normal agricultural purposes.

7 2. Any person exempted from the provisions of the Oklahoma
8 Explosives and Blasting Regulation Act pursuant to this subsection
9 shall be liable for all damages caused by the use of explosives, or
10 blasting agents and blasting operations, which damages shall be
11 recoverable in any court of competent jurisdiction.

12 B. In addition, the provisions of the Oklahoma Explosives and
13 Blasting Regulation Act shall not apply to:

14 1. Any municipalities or counties in this state using any
15 blasting agents, explosives or conducting, supervising or
16 controlling a blasting operation in this state. Any such
17 municipality or county shall comply with rules promulgated by the
18 ~~Oklahoma Mining Commission~~ Environmental Quality Board;

19 2. The Department of Transportation in the conducting,
20 supervision or controlling of any blasting operation in this state,
21 provided the Department shall comply with rules promulgated by the
22 ~~Oklahoma Mining Commission~~ Environmental Quality Board; and

23 3. Duly qualified and certified bomb technicians of a federally
24 accredited bomb squad of municipal, county, state, and federal law

1 enforcement agencies for the transportation, storage or disposal of
2 any explosive chemical, compound or device, when such technician is
3 performing responsibilities for the preservation of public peace,
4 safety, or criminal investigation.

5 4. Any employee of the Oklahoma Department of Agriculture,
6 Food, and Forestry and the United States Department of Agriculture,
7 Animal and Plant Health Inspection Service, Wildlife Services who is
8 trained and certified by the United States Department of Agriculture
9 in the safe handling and use of explosive materials in the course of
10 the official duties of the employee.

11 SECTION 130. AMENDATORY 68 O.S. 2021, Section 2357.11,
12 is amended to read as follows:

13 Section 2357.11 A. For purposes of this section, the term
14 "person" means any legal business entity including limited and
15 general partnerships, corporations, sole proprietorships, and
16 limited liability companies, but does not include individuals.

17 B. 1. Except as otherwise provided by this section, for tax
18 years beginning on or after January 1, 1993, and ending on or before
19 December 31, 2021, there shall be allowed a credit against the tax
20 imposed by Section 1803 or Section 2355 of this title or Section 624
21 or 628 of Title 36 of the Oklahoma Statutes for every person in this
22 state furnishing water, heat, light or power to the state or its
23 citizens, or for every person in this state burning coal to generate
24

1 heat, light or power for use in manufacturing operations located in
2 this state.

3 2. For tax years beginning on or after January 1, 1993, and
4 ending on or before December 31, 2005, and for the period of January
5 1, 2006, through June 30, 2006, the credit shall be in the amount of
6 Two Dollars (\$2.00) per ton for each ton of Oklahoma-mined coal
7 purchased by such person.

8 3. For the period of July 1, 2006, through December 31, 2006,
9 and, except as provided in subsection N of this section, for tax
10 years beginning on or after January 1, 2007, and ending on or before
11 December 31, 2021, the credit shall be in the amount of Two Dollars
12 and eighty-five cents (\$2.85) per ton for each ton of Oklahoma-mined
13 coal purchased by such person.

14 4. In addition to the credit allowed pursuant to the provisions
15 of paragraph 3 of this subsection, for the period of July 1, 2006,
16 through December 31, 2006, and except as provided in subsections M
17 and N of this section, for tax years beginning on or after January
18 1, 2007, and ending on or before December 31, 2021, there shall be
19 allowed a credit in the amount of Two Dollars and fifteen cents
20 (\$2.15) per ton for each ton of Oklahoma-mined coal purchased by
21 such person. The credit allowed pursuant to the provisions of this
22 paragraph may not be claimed or transferred prior to January 1,
23 2008.

24

1 C. For tax years beginning on or after January 1, 1995, and
2 ending on or before December 31, 2005, and for the period beginning
3 January 1, 2006, through June 30, 2006, there shall be allowed, in
4 addition to the credits allowed pursuant to subsection B of this
5 section, a credit against the tax imposed by Section 1803 or Section
6 2355 of this title or Section 624 or 628 of Title 36 of the Oklahoma
7 Statutes for every person in this state which:

8 1. Furnishes water, heat, light or power to the state or its
9 citizens, or burns coal to generate heat, light or power for use in
10 manufacturing operations located in this state; and

11 2. Purchases at least seven hundred fifty thousand (750,000)
12 tons of Oklahoma-mined coal in the tax year.

13 The additional credit allowed pursuant to this subsection shall
14 be in the amount of Three Dollars (\$3.00) per ton for each ton of
15 Oklahoma-mined coal purchased by such person.

16 D. Except as otherwise provided by this section, for tax years
17 beginning on or after January 1, 2001, and ending on or before
18 December 31, 2021, there shall be allowed a credit against the tax
19 imposed by Section 1803 or Section 2355 of this title or Section 624
20 or 628 of Title 36 of the Oklahoma Statutes for every person in this
21 state primarily engaged in mining, producing or extracting coal, and
22 holding a valid permit issued by the Oklahoma Department of ~~Mines~~
23 Environmental Quality. For tax years beginning on or after January
24 1, 2001, and ending on or before December 31, 2005, and for the

1 period beginning January 1, 2006, through June 30, 2006, the credit
2 shall be in the amount of ninety-five cents (\$0.95) per ton and for
3 the period of July 1, 2006, through December 31, 2006, and for tax
4 years beginning on or after January 1, 2007, except as provided in
5 subsection N of this section, the credit shall be in the amount of
6 Five Dollars (\$5.00) for each ton of coal mined, produced or
7 extracted in on, under or through a permit in this state by such
8 person.

9 E. In addition to the credit allowed pursuant to the provisions
10 of subsection D of this section and except as otherwise provided in
11 subsection F of this section, for tax years beginning on or after
12 January 1, 2001, and ending on or before December 31, 2005, and for
13 the period of January 1, 2006, through June 30, 2006, there shall be
14 allowed a credit against the tax imposed by Section 1803 or Section
15 2355 of this title or Section 624 or 628 of Title 36 of the Oklahoma
16 Statutes for every person in this state primarily engaged in mining,
17 producing or extracting coal, and holding a valid permit issued by
18 the ~~Oklahoma~~ Department of ~~Mines~~ Environmental Quality in the amount
19 of ninety-five cents (\$0.95) per ton for each ton of coal mined,
20 produced or extracted from thin seams in this state by such person;
21 provided, the credit shall not apply to such coal sold to any
22 consumer who purchases at least seven hundred fifty thousand
23 (750,000) tons of Oklahoma-mined coal per year.

24

1 F. In addition to the credit allowed pursuant to the provisions
2 of subsection D of this section and except as otherwise provided in
3 subsection G of this section, for tax years beginning on or after
4 January 1, 2005, and ending on or before December 31, 2005, and for
5 the period of January 1, 2006, through June 30, 2006, there shall be
6 allowed a credit against the tax imposed by Section 1803 or Section
7 2355 of this title or that portion of the tax imposed by Section 624
8 or 628 of Title 36 of the Oklahoma Statutes, which is actually paid
9 to and placed into the General Revenue Fund, in the amount of
10 ninety-five cents (\$0.95) per ton for each ton of coal mined,
11 produced or extracted from thin seams in this state by such person
12 on or after July 1, 2005.

13 G. The credits provided in subsections D and E of this section
14 shall not be allowed for coal mined, produced or extracted in any
15 month in which the average price of coal is Sixty-eight Dollars
16 (\$68.00) or more per ton, excluding freight charges, as determined
17 by the Tax Commission.

18 H. The additional credits allowed pursuant to subsections B, C,
19 D and E of this section but not used shall be freely transferable
20 after January 1, 2002, but not later than December 31, 2013, by
21 written agreement to subsequent transferees at any time during the
22 five (5) years following the year of qualification; provided, the
23 additional credits allowed pursuant to the provisions of paragraph 4
24 of subsection B of this section but not used shall be freely

1 transferable after January 1, 2008, but not later than December 31,
2 2013, by written agreement to subsequent transferees at any time
3 during the five (5) years following the year of qualification. An
4 eligible transferee shall be any taxpayer subject to the tax imposed
5 by Section 1803 or Section 2355 of this title or Section 624 or 628
6 of Title 36 of the Oklahoma Statutes. The person originally allowed
7 the credit and the subsequent transferee shall jointly file a copy
8 of the written credit transfer agreement with the Tax Commission
9 within thirty (30) days of the transfer. The written agreement
10 shall contain the name, address and taxpayer identification number
11 of the parties to the transfer, the amount of credit being
12 transferred, the year the credit was originally allowed to the
13 transferring person and the tax year or years for which the credit
14 may be claimed. The Tax Commission may promulgate rules to permit
15 verification of the validity and timeliness of a tax credit claimed
16 upon a tax return pursuant to this subsection but shall not
17 promulgate any rules which unduly restrict or hinder the transfers
18 of such tax credit.

19 I. The additional credit allowed pursuant to subsection F of
20 this section but not used shall be freely transferable on or after
21 July 1, 2006, but not later than December 31, 2013, by written
22 agreement to subsequent transferees at any time during the five (5)
23 years following the year of qualification. An eligible transferee
24 shall be any taxpayer subject to the tax imposed by Section 1803 or

1 Section 2355 of this title or Section 624 or 628 of Title 36 of the
2 Oklahoma Statutes. The person originally allowed the credit and the
3 subsequent transferee shall jointly file a copy of the written
4 credit transfer agreement with the Tax Commission within thirty (30)
5 days of the transfer. The written agreement shall contain the name,
6 address and taxpayer identification number of the parties to the
7 transfer, the amount of credit being transferred, the year the
8 credit was originally allowed to the transferring person and the tax
9 year or years for which the credit may be claimed. The Tax
10 Commission may promulgate rules to permit verification of the
11 validity and timeliness of a tax credit claimed upon a tax return
12 pursuant to this subsection but shall not promulgate any rules which
13 unduly restrict or hinder the transfers of such tax credit.

14 J. Any person receiving tax credits pursuant to the provisions
15 of this section shall apply the credits against taxes payable or,
16 subject to the limitation that credits earned after December 31,
17 2013, shall not be transferred, shall transfer the credits as
18 provided in this section or, for credits earned on or after January
19 1, 2014, shall receive a refund pursuant to the provisions of
20 subsection L of this section. Credits shall not be used to lower
21 the price of any Oklahoma-mined coal sold that is produced by a
22 subsidiary of the person receiving a tax credit under this section
23 to other buyers of the Oklahoma-mined coal.

24

1 K. Except as provided by paragraph 2 of subsection L of this
2 section, the credits allowed by subsections B, C, D, E and F of this
3 section, upon election of the taxpayer, shall be treated and may be
4 claimed as a payment of tax, a prepayment of tax or a payment of
5 estimated tax for purposes of Section 1803 or 2355 of this title or
6 Section 624 or 628 of Title 36 of the Oklahoma Statutes.

7 L. 1. With respect to credits allowed pursuant to the
8 provisions of subsections B, C, D, E and F of this section earned
9 prior to January 1, 2014, but not used in any tax year may be
10 carried over in order to each of the five (5) years following the
11 year of qualification.

12 2. With respect to credits allowed pursuant to the provisions
13 of subsections B, C, D, E and F of this section which are earned but
14 not used, based upon activity occurring on or after January 1, 2014,
15 the Oklahoma Tax Commission shall, at the taxpayer's election,
16 refund directly to the taxpayer eighty-five percent (85%) of the
17 face amount of such credits. The direct refund of the credits
18 pursuant to this paragraph shall be available to all taxpayers,
19 including, without limitation, pass-through entities and taxpayers
20 subject to Section 2355 of this title. The amount of any direct
21 refund of credits actually received at the eighty-five percent (85%)
22 level by the taxpayer pursuant to this paragraph shall not be
23 subject to the tax imposed by Section 2355 of this title. If the
24 pass-through entity does not file a claim for a direct refund, the

1 pass-through entity shall allocate the credit to one or more of the
2 shareholders, partners or members of the pass-through entity;
3 provided, the total of all credits refunded or allocated shall not
4 exceed the amount of the credit or refund to which the pass-through
5 entity is entitled. For the purposes of this paragraph, "pass-
6 through entity" means a corporation that for the applicable tax year
7 is treated as an S corporation under the Internal Revenue Code of
8 1986, as amended, general partnership, limited partnership, limited
9 liability partnership, trust or limited liability company that for
10 the applicable tax year is not taxed as a corporation for federal
11 income tax purposes.

12 M. No credit otherwise authorized by the provisions of this
13 section may be claimed for any event, transaction, investment,
14 expenditure or other act occurring on or after July 1, 2010, for
15 which the credit would otherwise be allowable. The provisions of
16 this subsection shall cease to be operative on July 1, 2012.
17 Beginning July 1, 2012, the credit authorized by this section may be
18 claimed for any event, transaction, investment, expenditure or other
19 act occurring on or after July 1, 2012, according to the provisions
20 of this section.

21 N. Except as otherwise provided by this section, any credits
22 calculated pursuant to ~~paragraphs~~ paragraph 3 or 4 of subsection B
23 or subsection D of this section for activities occurring on or after
24

1 January 1, 2016, the amount of credit allowed shall be equal to
2 seventy-five percent (75%) of the amount otherwise provided.

3 O. For tax years beginning on or after January 1, 2018, the
4 total amount of credits authorized by this section used to offset
5 tax or paid as a refund shall be adjusted annually to limit the
6 annual amount of credits to Five Million Dollars (\$5,000,000.00).
7 The Tax Commission shall annually calculate and publish a percentage
8 by which the credits authorized by this section shall be reduced so
9 the total amount of credits used to offset tax or paid as a refund
10 does not exceed Five Million Dollars (\$5,000,000.00) per year. The
11 formula to be used for the percentage adjustment shall be Five
12 Million Dollars (\$5,000,000.00) divided by the credits claimed in
13 the second preceding year.

14 P. Pursuant to subsection O of this section, in the event the
15 total tax credits authorized by this section exceed Five Million
16 Dollars (\$5,000,000.00) in any calendar year, the Tax Commission
17 shall permit any excess over Five Million Dollars (\$5,000,000.00)
18 but shall factor such excess into the percentage adjustment formula
19 for subsequent years.

20 Q. Any credits authorized by this section not used or unable to
21 be used because of the provisions of subsection O or P of this
22 section may be carried over until such credits are fully used.

23 SECTION 131. AMENDATORY 74 O.S. 2021, Section 500.18, is
24 amended to read as follows:

1 Section 500.18 A. Except for members of the Legislature, the
2 Governor and the Lieutenant Governor, provisions of Sections 500.1
3 through 500.18 of this title shall be mandatory for all officials
4 and employees of all departments, boards, commissions and
5 institutions of the state, regardless of the provisions of any other
6 act of the Legislature, except as provided by this section. The
7 enactment of any measure in the future providing for travel
8 reimbursement of state officers and employees on the basis of
9 "actual and necessary" expenses or in any other manner inconsistent
10 with Sections 500.1 through 500.18 of this title shall be deemed to
11 provide for reimbursement in accordance with Sections 500.1 through
12 500.18 of this title unless a contrary intent is explicitly
13 expressed in this section. Sections 500.1 through 500.18 of this
14 title shall not apply, however, to travel reimbursements made by
15 political subdivisions of this state, except as otherwise provided
16 by law.

17 B. The agencies listed below are authorized certain exceptions
18 and/or exemptions to the provisions of Sections 500.1 through 500.18
19 of this title to the extent specified:

20 1. Oklahoma Department of Agriculture, Food, and Forestry:

21 a. The actual and reasonable expenses of travel and
22 subsistence in pursuing and developing markets for
23 Oklahoma agricultural products incurred by the
24 Commissioner, Deputy Commissioner and such employees

1 designated by the State Board of Agriculture within
2 the marketing development programs of the Oklahoma
3 Department of Agriculture, Food, and Forestry shall be
4 reimbursed to the employee incurring such expenses.
5 Reimbursement of such expenses shall be in accordance
6 with rules adopted by the Board. Expenses claimed
7 shall, prior to reimbursement, be reviewed by the
8 Board at a regular meeting and individually approved
9 or disapproved.

10 b. The actual and necessary expenses of out-of-state
11 travel and subsistence incurred by employees of the
12 Forestry Division authorized to evaluate and acquire
13 federal excess property or surplus property in other
14 states for use in its fire protection program, shall
15 be reimbursed to the employee incurring such expenses.

16 2. Department of Public Safety:

17 When traveling with the Governor or at the Governor's request,
18 personnel assigned by the Commissioner for executive security and
19 pilots on executive assignment shall be allowed their actual and
20 necessary traveling expenses, upon claims approved by the
21 Commissioner.

22 3. Department of Corrections:

23 The Department of Corrections shall be exempt from limitations
24 of reimbursement for rented automobiles, as set forth in Section

1 500.5 of this title, when the rental is by a Correctional Officer or
2 Transportation Officer for the limited purpose of transporting
3 inmates. Reimbursement for the expense shall be on the basis of
4 actual cost.

5 4. Oklahoma Tourism and Recreation Department:

6 The Oklahoma Tourism and Recreation Commission and Department
7 staff who promote in-state and out-of-state business for Oklahoma's
8 state-operated or state-owned parks, lodges, and golf courses and
9 the tourism and recreation industry, may be reimbursed for the
10 actual and necessary expense of travel, subsistence and
11 entertainment for this purpose. The Director of the Oklahoma
12 Tourism and Recreation Department may reimburse the Publisher of
13 Oklahoma Today magazine and its staff for expenses for meals and
14 other entertainment in order to gain advertising and promotion for
15 Oklahoma Today magazine.

16 5. Oklahoma Department of Commerce:

17 a. The actual and necessary expenses incurred by the
18 Director and other employees of the Department
19 authorized by the Director for the purpose of business
20 recruitment shall be reimbursed. Reimbursement of
21 expenses shall be in accordance with rules adopted by
22 the Director of the Oklahoma Department of Commerce.
23 Expenses claimed shall, prior to reimbursement, be
24

1 reviewed by the Director and individually approved or
2 disapproved.

3 b. The Department, at the discretion of the Director, may
4 charter aircraft for the purposes of carrying out its
5 duties and responsibilities related to business
6 recruitment and performing the duties of the Director.
7 The cost of such charter shall be exempt from the
8 provisions of Section 500.6 of this title. Claims
9 filed with the Office of Management and Enterprise
10 Services shall bear the following certification:
11 The best interests of the citizens of Oklahoma were
12 better served in that conventional ground
13 transportation was not practical or feasible for this
14 trip, aircraft from the Department of Public Safety
15 were not available for this trip, and no other claim
16 has been or will be filed as a payment for the cost of
17 transportation in connection with this trip.

18 c. The Oklahoma Department of Commerce may reimburse the
19 Oklahoma Film and Music Office staff for the actual
20 and necessary expenses for meals and other
21 entertainment in order to promote the film and music
22 industries in this state. Reimbursement of all actual
23 and necessary expenses shall be in accordance with
24 rules adopted by the Oklahoma Department of Commerce.

1 6. Office of Management and Enterprise Services:

2 The actual and necessary expenses of travel and subsistence
3 incurred by the Director, any state employee approved by his or her
4 appointing authority, or state officials, for travel outside the
5 state in performance of duties related to bond financing shall be
6 reimbursed to the employee or state official incurring such
7 expenses. Reimbursement for lodging expenses shall be supported by
8 three telephone bids from hotels within a reasonable distance of the
9 activity for which the travel was approved.

10 7. Oklahoma Futures:

11 The actual and necessary expenses incurred by the members of
12 Oklahoma Futures in the performance of their duties shall be
13 reimbursed to the members incurring such expenses. Reimbursement of
14 all actual and necessary expenses shall be in accordance with rules
15 adopted by Oklahoma Futures.

16 8. Oklahoma Development Finance Authority:

17 The actual and necessary expenses incurred by the members and
18 employees of the Oklahoma Development Finance Authority in the
19 performance of their duties shall be reimbursed to the person
20 incurring such expenses. Reimbursement of all actual and necessary
21 expenses shall be in accordance with the bylaws of the Authority.

22 9. Oklahoma Center for the Advancement of Science and
23 Technology:

1 The actual and necessary expenses incurred by the members and
2 employees of the Oklahoma Center for the Advancement of Science and
3 Technology in the performance of their duties shall be reimbursed to
4 the person incurring such expenses. Reimbursement of all actual and
5 necessary expenses shall be in accordance with the bylaws of the
6 Center.

7 10. Center for International Trade Development:

8 The actual and necessary expenses of travel, lodging and
9 subsistence incurred by the Director and authorized employees of the
10 Center for International Trade Development for performance of their
11 duties for the purpose of business recruitment and assistance shall
12 be reimbursed to the person incurring such expenses. Reimbursement
13 of such expenses shall be in accordance with the rules adopted by
14 the Director of the Center for International Trade Development.
15 Expenses claimed shall be reviewed and individually approved or
16 disapproved, prior to reimbursement, first by the Director, and
17 finally by either the Vice President, Business and Finance of
18 Oklahoma State University or the President of Oklahoma State
19 University.

20 11. Oklahoma State Bureau of Investigation:

21 The actual and necessary expenses incurred by the Director and
22 other employees of the Bureau authorized by the Director as a result
23 of conducting investigations shall be reimbursed to each such
24 employee incurring the expenses. Reimbursement of the expenses

1 shall be in accordance with rules adopted by the Director of the
2 Oklahoma State Bureau of Investigation. Prior to reimbursement,
3 expenses claimed shall be reviewed by the Director and individually
4 approved or disapproved.

5 12. Department of Human Services:

6 a. The actual and necessary expenses of travel, lodging
7 and subsistence incurred by employees of the Legal
8 Division in the performance of their duties for the
9 purpose of representing the Department of Human
10 Services or any of its officials, employees,
11 institutions or hospitals at any proceeding including
12 depositions, held before any court, administrative
13 body or representative thereof, shall be reimbursed to
14 the employee incurring such expenses. Expenses
15 claimed shall be approved by the General Counsel and
16 the Director of Human Services prior to reimbursement.

17 b. The Department, at the discretion of the Director, may
18 charter aircraft when determined by the Director such
19 charter would be more practical or less expensive than
20 normal modes of transportation and when aircraft of
21 the Department of Public Safety are unavailable. The
22 costs of such charter shall be exempt from the
23 provisions of Section 500.6 of this title.

24 13. Oklahoma Health Care Authority:

1 The actual and necessary expenses of travel, lodging and
2 subsistence incurred by employees of the Legal Division in the
3 performance of their duties for the purpose of representing the
4 Authority or any of its officials or employees, at any proceeding
5 including depositions, held before any court, administrative body or
6 representative thereof, shall be reimbursed to the employee
7 incurring such expenses. Expenses claimed shall be approved by the
8 Administrator prior to reimbursement.

9 14. Oklahoma State Bureau of Narcotics and Dangerous Drugs
10 Control:

11 The actual and necessary expenses incurred by the Director and
12 other employees of the Bureau authorized by the Director as a result
13 of conducting investigations shall be reimbursed to each employee
14 incurring the expenses. Reimbursement of the expenses shall be in
15 accordance with rules adopted by the Director of the Oklahoma State
16 Bureau of Narcotics and Dangerous Drugs Control. Prior to
17 reimbursement, expenses claimed shall be reviewed by the Director
18 and individually approved or disapproved.

19 15. University Hospitals:

20 The actual and necessary expenses of travel, lodging and
21 subsistence incurred by employees of the Legal Office in the
22 performance of their duties for the purpose of representing the
23 University Hospitals or any of its officials, employees,
24 institutions or hospitals at any proceeding including depositions,

1 held before any court, administrative body or representative
2 thereof, shall be reimbursed to the employee incurring such
3 expenses. Expenses shall be approved by the Chief Executive Officer
4 of the University Hospitals or by the University Hospitals
5 Authority.

6 16. Oklahoma Historical Society:

7 The actual and necessary expenses of travel, subsistence and
8 entertainment incurred by the Executive Director, Deputy Director
9 and any employees designated by the Executive Committee of the
10 Oklahoma Historical Society Board of Directors in pursuing and
11 developing programs and projects for the preservation and marketing
12 of Oklahoma history shall be reimbursed to the person incurring the
13 expenses. Reimbursement of expenses shall be in accordance with
14 rules adopted by the Oklahoma Historical Society Board of Directors.
15 Prior to reimbursement, expenses claimed shall be reviewed by the
16 Executive Committee at a regularly scheduled meeting and each claim
17 shall be individually approved or disapproved.

18 17. ~~The Oklahoma Department of Mines:~~

19 ~~The actual and necessary expenses of travel, lodging and~~
20 ~~subsistence incurred by employees of the Department in the~~
21 ~~performance of their duties for the purpose of representing the~~
22 ~~Department or any of its officials or employees, at any proceeding,~~
23 ~~hearing or meeting with federal agencies, boards, commissions,~~
24 ~~congressional representatives, congressional committees or staff,~~

1 ~~shall be reimbursed to the employee incurring such expenses.~~

2 ~~Expenses claimed shall be approved by the Executive Director prior~~
3 ~~to reimbursement.~~

4 ~~18.~~ The Office of Attorney General:

5 The actual and necessary expenses of travel, lodging and
6 subsistence incurred by its employees in the performance of their
7 duties for the purpose of representing the state, the Legislature,
8 any state board, agency or commission, or any employee or official
9 of the state entitled to representation, at any proceeding including
10 depositions, held before any court, administrative body or any
11 representative thereof, and the actual and necessary expenses
12 incurred by employees as a result of conducting investigations shall
13 be reimbursed to the employee incurring the expenses. The expenses
14 shall be approved by the Attorney General prior to reimbursement.

15 ~~19.~~ 18. District Attorneys Council:

16 The actual and necessary expenses of travel, lodging and
17 subsistence incurred by each district attorney and other employees
18 of the district attorney authorized by the district attorney in the
19 performance of their duties for any district other than the district
20 for which they are employed for the purpose of representing the
21 state, any county, or any employee or official of the state entitled
22 to representation at any proceeding including depositions held
23 before any court, administrative body or any representative of a
24 court or administrative body, and the actual and necessary expenses

1 incurred as a result of conducting investigations shall be
2 reimbursed to each employee incurring the expenses. Reimbursement
3 of the expenses shall be in accordance with rules adopted by the
4 District Attorneys Council. Prior to reimbursement, expenses
5 claimed shall be reviewed by the Council and individually approved
6 or disapproved.

7 ~~20.~~ 19. The Department of Securities:

8 The actual and necessary expenses of travel, lodging and
9 subsistence incurred by the Administrator and other employees of the
10 Department of Securities in the performance of their duties for the
11 purpose of representing the Department of Securities, at any
12 proceeding including depositions, held before any court,
13 administrative body or any representative thereof, conducting on-
14 site examinations, or conducting investigations, shall be reimbursed
15 to each employee incurring the expenses. The expenses shall be
16 approved by the Administrator of the Department of Securities prior
17 to reimbursement.

18 ~~21.~~ 20. Corporation Commission:

19 The actual and necessary travel expenses incurred by the staff
20 of the Public Utility Division as a result of conducting audits
21 and/or reviews of utility service providers shall be reimbursed to
22 each such employee incurring the expense. Reimbursement of the
23 expenses shall be as set forth in procedures established by the
24 appointing authority.

1 ~~22.~~ 21. The Department of Human Services:

2 Employees of the Department of Human Services shall be
3 reimbursed for their actual and necessary expenses of travel,
4 lodging and subsistence incurred in the performance of their duties
5 for the purpose of escorting and transporting children or adults in
6 the care or custody of the Department:

- 7 a. for out-of-state visitation, care, treatment and
8 placement of a child welfare client,
9 b. for out-of-state treatment for or placement of an
10 adult protective services client,
11 c. for out-of-state treatment for or placement of a
12 resident of a state resource center, or
13 d. for out-of-state treatment for or placement of an
14 individual with a developmental disability who is
15 living in the community in community residential
16 services.

17 Expenses claimed shall be approved by the appropriate Division
18 Administrator or Associate Director prior to reimbursement.

19 ~~23.~~ 22. The Banking Department:

20 The actual and necessary expenses of travel and lodging incurred
21 by the Commissioner and other employees of the Banking Department in
22 the performance of their duties for the Banking Department shall be
23 paid or reimbursed by the Banking Department to each employee
24

1 incurring the expenses. The expenses shall be approved by the
2 Banking Commissioner prior to payment or reimbursement.

3 ~~24.~~ 23. Oklahoma Office of Homeland Security:

4 The actual and necessary expenses of travel, lodging, and
5 subsistence incurred by the Oklahoma Homeland Security Director, as
6 a result of the duties and responsibilities of the Director, shall
7 be paid or reimbursed by the Oklahoma Office of Homeland Security.

8 ~~25.~~ 24. The Grand River Dam Authority:

9 The actual and necessary expenses of travel and lodging incurred
10 by the Board of Directors and other employees of the district in the
11 performance of their duties for the Grand River Dam Authority shall
12 be paid or reimbursed by the district to each Director or employee
13 incurring the expenses. The expenses shall be approved by the
14 General Manager of the Grand River Dam Authority prior to payment or
15 reimbursement.

16 ~~26.~~ 25. The Native American Cultural and Educational Authority:

17 The actual and necessary expenses incurred by the Directors and
18 employees of the Native American Cultural and Educational Authority
19 in performances of duties. The expenses shall be approved by the
20 Director prior to payment or reimbursement.

21 ~~27.~~ 26. Oklahoma Department of Career and Technology Education:

22 The actual and necessary expenses incurred by the Director and
23 other employees of the Department, authorized by the Director, for
24 the purpose of business recruitment, training, and the provision of

1 technical assistance shall be reimbursed. Reimbursement of expenses
2 shall be in accordance with rules adopted by the State Board of
3 Career and Technology Education. Expenses claimed, prior to the
4 reimbursement, will be reviewed by the Board and individually
5 approved or disapproved.

6 C. The agencies listed in subsection B of this section shall be
7 required to report annually the actual expenses excepted or exempted
8 from Sections 500.1 through 500.18 of this title to the Governor,
9 the President Pro Tempore of the Senate, and the Speaker of the
10 House of Representatives. The report shall be submitted no later
11 than the first day of September following the end of each fiscal
12 year.

13 SECTION 132. AMENDATORY 82 O.S. 2021, Section 1020.2, is
14 amended to read as follows:

15 Section 1020.2 A. It is hereby declared to be the public
16 policy of this state, in the interest of the agricultural stability,
17 domestic, municipal, industrial and other beneficial uses, general
18 economy, health and welfare of the state and its citizens, to
19 utilize the ground water resources of the state, and for that
20 purpose to provide reasonable regulations for the allocation for
21 reasonable use based on hydrologic surveys of fresh ground water
22 basins or subbasins to determine a restriction on the production,
23 based upon the acres overlying the ground water basin or subbasin.

24

1 B. The provisions of Section 1020.1 et seq. of this title shall
2 not apply to the taking, using or disposal of salt water associated
3 with the exploration, production or recovery of oil and gas. The
4 provisions of this act shall not apply to the taking, using or
5 disposal of water trapped in producing mines outside of a sensitive
6 sole source groundwater basin or subbasin.

7 C. Except as provided for in subsection E of this section, the
8 provisions of this act shall not apply to the taking, using or
9 disposal of water trapped in producing mines:

10 1. That overlie a sensitive sole source groundwater basin or
11 subbasin and have been permitted by the ~~Oklahoma~~ Department of ~~Mines~~
12 Environmental Quality as of August 1, 2011;

13 2. That overlie a sensitive sole source groundwater basin or
14 subbasin for which an initial application for a permit shall have
15 been filed with the ~~Oklahoma~~ Department of ~~Mines~~ Environmental
16 Quality as of August 1, 2011; or

17 3. That overlie a sensitive sole source groundwater basin or
18 subbasin and for which a permit revision is approved by the ~~Oklahoma~~
19 Department of ~~Mines~~ Environmental Quality.

20 Provided that the use of mine pit water, pursuant to a site-
21 specific water management and conservation plan prepared in
22 consultation with the Oklahoma Water Resources Board, by mines that
23 are exempted from this act by the terms of this subsection and in
24 furtherance of mine operations and associated manufacturing and

1 commercial activities on the mine site, shall be considered as
2 permitted beneficial uses for all purposes under the laws of the
3 state.

4 D. 1. Except with respect to the mines exempted from the terms
5 of this act under subsections B and C of this section, the Oklahoma
6 Water Resources Board, in coordination with the ~~Oklahoma~~ Department
7 of ~~Mines~~ Environmental Quality, shall promulgate rules for the
8 taking, using or disposal of water collecting in producing mine pits
9 and emanating from a sensitive sole source groundwater basin or
10 subbasin.

11 2. The rules promulgated by the Oklahoma Water Resources Board
12 shall require, subject to a de minimis exemption to be promulgated
13 therein, the development by the mine operator of provisions relating
14 to the augmentation (a beneficial use) of stream flow or
15 groundwater, and of site-specific water management and conservation
16 plans, which plans shall establish threshold hydrologic monitoring,
17 management and mitigation requirements that are based on relevant
18 hydrologic surveys and investigations of the sensitive sole source
19 groundwater basin or subbasin. Such plans submitted to the Oklahoma
20 Water Resources Board shall be subject to the provisions of the
21 Oklahoma Open Records Act.

22 3. The rules promulgated by the Oklahoma Water Resources Board
23 shall contain provisions relating to augmentation of stream flow or
24 groundwater, or both, to offset consumptive use of groundwater

1 collecting in the producing mine pit that emanates from a sensitive
2 sole source groundwater basin or subbasin in amounts greater than
3 the equal proportionate share of the maximum annual yield of the
4 groundwater basin or subbasin established by the Oklahoma Water
5 Resources Board that may be allocated to the owner or operator of
6 the producing mine based on groundwater rights owned or leased by
7 the owner or operator.

8 E. 1. By no later than January 1, 2013, the operator of a mine
9 that is exempted from this act by the provisions of subsection C of
10 this section shall adopt and implement a plan to monitor and report
11 to the Board the accumulation and disposition of pit water during
12 the previous calendar year. The operator shall also file with the
13 Board interim quarterly reports containing information about the
14 accumulation and disposition of pit water during the previous
15 quarter. The first interim quarterly report for calendar year 2013
16 shall be sent to the Board by June 30, 2013, and the annual report
17 for the calendar year 2013 shall be sent to the Board by March 31,
18 2014. Thereafter, the annual report for each calendar year shall be
19 sent to the Board by March 31st of the following year. The
20 monitoring plan will provide for the measurement or reasonable
21 estimation of groundwater and surface water volumes, separately
22 stated, entering the pit, of the water diverted from the pit, of the
23 disposition of the water from the pit, and of the consumptive use,
24 as defined in this section, of the mine pit water by the mine

1 operator. The reports received by the Board will be subject to the
2 provisions of the Oklahoma Open Records Act. If an operator of a
3 mine that is exempted from this act by the provisions of subsection
4 C of this section fails to timely submit an interim quarterly report
5 or annual report, the exemption of subsection C shall no longer
6 apply to the mine and the rules promulgated pursuant to subsection D
7 of this section shall become applicable, provided that such rules
8 shall contain provisions to allow the operator to show cause why the
9 exemption contained in subsection C of this section should continue
10 to apply.

11 2. If, at any time after March 31, 2015, the amount of
12 groundwater from the pit (plus amounts of groundwater from permitted
13 wells, if any) consumptively used in the preceding twelve months by
14 the mine operator at a mine described in paragraph 1 of this
15 subsection exceeds the annual amount that is equivalent to the equal
16 proportionate share of the maximum annual yield of the groundwater
17 basin or subbasin that could be allocated to the owner or operator
18 of the producing mine based on groundwater rights owned or leased by
19 the owner or operator, then the exemption of subsection C of this
20 section shall no longer apply and the provisions of subsection D of
21 this section shall become applicable to the mine unless the mine
22 operator submits a site-specific water management and conservation
23 plan demonstrating, to the satisfaction of the Board, that such
24

1 consumptive use of groundwater in amounts greater than the
2 equivalent equal proportionate share either is:

- 3 a. offset by augmentation of stream water flow or
4 augmentation of groundwater by recharge, or
- 5 b. not likely to reduce the natural flow of springs or
6 streams emanating from a sensitive sole source
7 groundwater basin or subbasin, or
- 8 c. satisfied by the owner or operator acquiring
9 sufficient groundwater rights within ninety (90) days
10 of the reported exceedance.

11 The plan submitted to the Board will be subject to the provisions of
12 the Oklahoma Open Records Act. If the exemption of subsection C of
13 this section no longer applies, the rules promulgated by the
14 Oklahoma Water Resources Board pursuant to subsection D of this
15 section shall provide a period of at least ninety (90) days to come
16 into compliance.

17 3. If an operator of a mine that is exempt pursuant to
18 subsection C of this section operates in compliance with a site-
19 specific water management and conservation plan that complies with
20 rules promulgated by the Board pursuant to subsection D of this
21 section, the Board cannot otherwise require the operator of such
22 mine to take an action or refrain from taking an action that would
23 effectively prohibit any mining operation or practice that is
24

1 otherwise allowed by the ~~Oklahoma~~ Department of ~~Mines~~ Environmental
2 Quality.

3 F. For purposes of this section, "consumptive use" or
4 "consumptively used" means diversion of water from a mine pit that
5 is not returned to the groundwater basin or subbasin, or to a mine
6 pit or holding basin, or to a definite stream, or to the land
7 surface from which surface runoff flows into a mine pit. The term
8 "consumptive use" includes the estimated moisture content driven off
9 or carried away with the mined material transported off the mining
10 site, plus the amount of evaporation from the mine pit that exceeds
11 the amount of direct precipitation and surface runoff into the mine
12 pit, plus any amounts for other proposed beneficial uses off the
13 mining site.

14 G. Augmentation of stream flow or groundwater, pursuant to a
15 site-specific water management and conservation plan prepared in
16 consultation with the Oklahoma Water Resources Board, shall be
17 considered a beneficial use and not waste, and shall not count
18 against permitted surface water or groundwater usage, provided that
19 taking, using or disposal of water from a producing mine for stream
20 augmentation pursuant to a site-specific water management and
21 conservation plan prepared in consultation with the Oklahoma Water
22 Resources Board, may be claimed in annual water use reports as a
23 beneficial use for purposes of the maintenance of the right to use
24 surface water under any permit applicable to such mine. The mine

1 pit shall be considered a diversion point authorized by the surface
2 water use permit issued to the mine operator whenever there is
3 consumptive use of surface water or the surface water is used for
4 stream augmentation.

5 SECTION 133. AMENDATORY 82 O.S. 2021, Section 1020.9C,
6 is amended to read as follows:

7 Section 1020.9C A. For the purposes of this section, a
8 "subject mine" shall mean a mine, as defined in paragraph 2 of
9 Section 723 of Title 45 of the Oklahoma Statutes, that overlies a
10 sensitive sole source groundwater basin or subbasin, exclusive of
11 any mine that meets at least one of the following conditions:

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

14 2. Satisfies the criteria of paragraph 1 or 2 of subsection C
15 of Section 1020.2 of ~~Title 82 of the Oklahoma Statutes~~ this title;
16 or

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

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

24

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

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

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

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

1 1. Completes the Enhanced Monitoring and Evaluation of
2 Hydrologic Trends for the Eastern Arbuckle-Simpson Aquifer, South-
3 Central Oklahoma and, based thereon, develops modeling and other
4 technical tools capable of accurately measuring and projecting, as a
5 matter both of incremental and cumulative effect, whether a proposed
6 withdrawal of groundwater from a sensitive sole source groundwater
7 basin or subbasin would degrade or interfere with springs and
8 streams emanating therefrom;

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

11 a. waste, degradation and interference analyses required
12 by subparagraphs c and d of paragraph 1 and
13 subparagraphs c and d of paragraph 2 of subsection A
14 of Section 1020.9 of ~~Title 82 of the Oklahoma Statutes~~
15 this title,

16 b. uniform minimum standards and requirements for the
17 development of, and annual reporting regarding
18 compliance with, site-specific water management and
19 conservation plans pursuant to Section 1020.2 of ~~Title~~
20 ~~82 of the Oklahoma Statutes~~ this title, with
21 particular regard to methodologies for calculating
22 amounts claimed in consumptive use of water and any
23 claimed augmentation of stream flow or groundwater,
24 and

1 c. consultation, review and approval of such site-
2 specific water management and conservation plans, with
3 specific provisions for making such consultations,
4 reviews and approvals subject to Article 2 of the
5 Administrative Procedures Act; and

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

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

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

17 SECTION 134. REPEALER 45 O.S. 2021, Sections 1, 3.1, 32,
18 and 938, are hereby repealed.

19 SECTION 135. RECODIFICATION 45 O.S. 2021, Section 1.2,
20 as amended by Section 9 of this act, shall be recodified as Section
21 3001.2 of Title 27A of the Oklahoma Statutes, unless there is
22 created a duplication in numbering.

23 SECTION 136. RECODIFICATION 45 O.S. 2021, Section 1.3,
24 as amended by Section 10 of this act, shall be recodified as Section

1 3001.3 of Title 27A of the Oklahoma Statutes, unless there is
2 created a duplication in numbering.

3 SECTION 137. RECODIFICATION 45 O.S. 2021, Section 1.4,
4 as amended by Section 11 of this act, shall be recodified as Section
5 3001.4 of Title 27A of the Oklahoma Statutes, unless there is
6 created a duplication in numbering.

7 SECTION 138. RECODIFICATION 45 O.S. 2021, Section 1.5,
8 as amended by Section 12 of this act, shall be recodified as Section
9 3001.5 of Title 27A of the Oklahoma Statutes, unless there is
10 created a duplication in numbering.

11 SECTION 139. RECODIFICATION 45 O.S. 2021, Section 1a, as
12 amended by Section 13 of this act, shall be recodified as Section
13 3001a of Title 27A of the Oklahoma Statutes, unless there is created
14 a duplication in numbering.

15 SECTION 140. RECODIFICATION 45 O.S. 2021, Section 1b, as
16 amended by Section 14 of this act, shall be recodified as Section
17 3001b of Title 27A of the Oklahoma Statutes, unless there is created
18 a duplication in numbering.

19 SECTION 141. RECODIFICATION 45 O.S. 2021, Section 1c, as
20 amended by Section 15 of this act, shall be recodified as Section
21 3001c of Title 27A of the Oklahoma Statutes, unless there is created
22 a duplication in numbering.

23 SECTION 142. RECODIFICATION 45 O.S. 2021, Section 1d, as
24 amended by Section 16 of this act, shall be recodified as Section

1 3001d of Title 27A of the Oklahoma Statutes, unless there is created
2 a duplication in numbering.

3 SECTION 143. RECODIFICATION 45 O.S. 2021, Section 1e, as
4 amended by Section 17 of this act, shall be recodified as Section
5 3001e of Title 27A of the Oklahoma Statutes, unless there is created
6 a duplication in numbering.

7 SECTION 144. RECODIFICATION 45 O.S. 2021, Section 1f, as
8 amended by Section 18 of this act, shall be recodified as Section
9 3001f of Title 27A of the Oklahoma Statutes, unless there is created
10 a duplication in numbering.

11 SECTION 145. RECODIFICATION 45 O.S. 2021, Section 2, as
12 amended by Section 19 of this act, shall be recodified as Section
13 3002 of Title 27A of the Oklahoma Statutes, unless there is created
14 a duplication in numbering.

15 SECTION 146. RECODIFICATION 45 O.S. 2021, Section 3, as
16 amended by Section 20 of this act, shall be recodified as Section
17 3003 of Title 27A of the Oklahoma Statutes, unless there is created
18 a duplication in numbering.

19 SECTION 147. RECODIFICATION 45 O.S. 2021, Section 5, as
20 amended by Section 21 of this act, shall be recodified as Section
21 3005 of Title 27A of the Oklahoma Statutes, unless there is created
22 a duplication in numbering.

23 SECTION 148. RECODIFICATION 45 O.S. 2021, Section 6, as
24 amended by Section 22 of this act, shall be recodified as Section

1 3006 of Title 27A of the Oklahoma Statutes, unless there is created
2 a duplication in numbering.

3 SECTION 149. RECODIFICATION 45 O.S. 2021, Section 8, as
4 amended by Section 23 of this act, shall be recodified as Section
5 3008 of Title 27A of the Oklahoma Statutes, unless there is created
6 a duplication in numbering.

7 SECTION 150. RECODIFICATION 45 O.S. 2021, Section 31, as
8 amended by Section 24 of this act, shall be recodified as Section
9 3031 of Title 27A of the Oklahoma Statutes, unless there is created
10 a duplication in numbering.

11 SECTION 151. RECODIFICATION 45 O.S. 2021, Section 34, as
12 amended by Section 25 of this act, shall be recodified as Section
13 3034 of Title 27A of the Oklahoma Statutes, unless there is created
14 a duplication in numbering.

15 SECTION 152. RECODIFICATION 45 O.S. 2021, Section 41, as
16 amended by Section 26 of this act, shall be recodified as Section
17 3041 of Title 27A of the Oklahoma Statutes, unless there is created
18 a duplication in numbering.

19 SECTION 153. RECODIFICATION 45 O.S. 2021, Section 44, as
20 amended by Section 27 of this act, shall be recodified as Section
21 3044 of Title 27A of the Oklahoma Statutes, unless there is created
22 a duplication in numbering.

23 SECTION 154. RECODIFICATION 45 O.S. 2021, Section 45, as
24 amended by Section 28 of this act, shall be recodified as Section

1 3045 of Title 27A of the Oklahoma Statutes, unless there is created
2 a duplication in numbering.

3 SECTION 155. RECODIFICATION 45 O.S. 2021, Section 46, as
4 amended by Section 29 of this act, shall be recodified as Section
5 3046 of Title 27A of the Oklahoma Statutes, unless there is created
6 a duplication in numbering.

7 SECTION 156. RECODIFICATION 45 O.S. 2021, Section 46.1,
8 as amended by Section 30 of this act, shall be recodified as Section
9 3046.1 of Title 27A of the Oklahoma Statutes, unless there is
10 created a duplication in numbering.

11 SECTION 157. RECODIFICATION 45 O.S. 2021, Section 48, as
12 amended by Section 31 of this act, shall be recodified as Section
13 3048 of Title 27A of the Oklahoma Statutes, unless there is created
14 a duplication in numbering.

15 SECTION 158. RECODIFICATION 45 O.S. 2021, Section 723,
16 as amended by Section 32 of this act, shall be recodified as Section
17 3723 of Title 27A of the Oklahoma Statutes, unless there is created
18 a duplication in numbering.

19 SECTION 159. RECODIFICATION 45 O.S. 2021, Section 724,
20 as amended by Section 33 of this act, shall be recodified as Section
21 3724 of Title 27A of the Oklahoma Statutes, unless there is created
22 a duplication in numbering.

23 SECTION 160. RECODIFICATION 45 O.S. 2021, Section 725,
24 as amended by Section 34 of this act, shall be recodified as Section

1 3725 of Title 27A of the Oklahoma Statutes, unless there is created
2 a duplication in numbering.

3 SECTION 161. RECODIFICATION 45 O.S. 2021, Section 727,
4 as amended by Section 35 of this act, shall be recodified as Section
5 3727 of Title 27A of the Oklahoma Statutes, unless there is created
6 a duplication in numbering.

7 SECTION 162. RECODIFICATION 45 O.S. 2021, Section 728,
8 as amended by Section 36 of this act, shall be recodified as Section
9 3728 of Title 27A of the Oklahoma Statutes, unless there is created
10 a duplication in numbering.

11 SECTION 163. RECODIFICATION 45 O.S. 2021, Section 729,
12 as amended by Section 37 of this act, shall be recodified as Section
13 3729 of Title 27A of the Oklahoma Statutes, unless there is created
14 a duplication in numbering.

15 SECTION 164. RECODIFICATION 45 O.S. 2021, Section 731,
16 as amended by Section 38 of this act, shall be recodified as Section
17 3731 of Title 27A of the Oklahoma Statutes, unless there is created
18 a duplication in numbering.

19 SECTION 165. RECODIFICATION 45 O.S. 2021, Section 732,
20 as amended by Section 39 of this act, shall be recodified as Section
21 3732 of Title 27A of the Oklahoma Statutes, unless there is created
22 a duplication in numbering.

23 SECTION 166. RECODIFICATION 45 O.S. 2021, Section 733,
24 as amended by Section 40 of this act, shall be recodified as Section

1 3733 of Title 27A of the Oklahoma Statutes, unless there is created
2 a duplication in numbering.

3 SECTION 167. RECODIFICATION 45 O.S. 2021, Section 734,
4 as amended by Section 41 of this act, shall be recodified as Section
5 3734 of Title 27A of the Oklahoma Statutes, unless there is created
6 a duplication in numbering.

7 SECTION 168. RECODIFICATION 45 O.S. 2021, Section 735,
8 as amended by Section 42 of this act, shall be recodified as Section
9 3735 of Title 27A of the Oklahoma Statutes, unless there is created
10 a duplication in numbering.

11 SECTION 169. RECODIFICATION 45 O.S. 2021, Section 738,
12 as amended by Section 43 of this act, shall be recodified as Section
13 3738 of Title 27A of the Oklahoma Statutes, unless there is created
14 a duplication in numbering.

15 SECTION 170. RECODIFICATION 45 O.S. 2021, Section 742.1,
16 as amended by Section 44 of this act, shall be recodified as Section
17 3742.1 of Title 27A of the Oklahoma Statutes, unless there is
18 created a duplication in numbering.

19 SECTION 171. RECODIFICATION 45 O.S. 2021, Section 742.2,
20 as amended by Section 45 of this act, shall be recodified as Section
21 3742.2 of Title 27A of the Oklahoma Statutes, unless there is
22 created a duplication in numbering.

23 SECTION 172. RECODIFICATION 45 O.S. 2021, Section 745.1,
24 as amended by Section 46 of this act, shall be recodified as Section

1 3745.1 of Title 27A of the Oklahoma Statutes, unless there is
2 created a duplication in numbering.

3 SECTION 173. RECODIFICATION 45 O.S. 2021, Section 745.2,
4 as amended by Section 47 of this act, shall be recodified as Section
5 3745.2 of Title 27A of the Oklahoma Statutes, unless there is
6 created a duplication in numbering.

7 SECTION 174. RECODIFICATION 45 O.S. 2021, Section 745.3,
8 as amended by Section 48 of this act, shall be recodified as Section
9 3745.3 of Title 27A of the Oklahoma Statutes, unless there is
10 created a duplication in numbering.

11 SECTION 175. RECODIFICATION 45 O.S. 2021, Section 745.4,
12 as amended by Section 49 of this act, shall be recodified as Section
13 3745.4 of Title 27A of the Oklahoma Statutes, unless there is
14 created a duplication in numbering.

15 SECTION 176. RECODIFICATION 45 O.S. 2021, Section 745.5,
16 as amended by Section 50 of this act, shall be recodified as Section
17 3745.5 of Title 27A of the Oklahoma Statutes, unless there is
18 created a duplication in numbering.

19 SECTION 177. RECODIFICATION 45 O.S. 2021, Section 745.6,
20 as amended by Section 51 of this act, shall be recodified as Section
21 3745.6 of Title 27A of the Oklahoma Statutes, unless there is
22 created a duplication in numbering.

23 SECTION 178. RECODIFICATION 45 O.S. 2021, Section 745.8,
24 as amended by Section 52 of this act, shall be recodified as Section

1 3745.8 of Title 27A of the Oklahoma Statutes, unless there is
2 created a duplication in numbering.

3 SECTION 179. RECODIFICATION 45 O.S. 2021, Section 745.9,
4 as amended by Section 53 of this act, shall be recodified as Section
5 3745.9 of Title 27A of the Oklahoma Statutes, unless there is
6 created a duplication in numbering.

7 SECTION 180. RECODIFICATION 45 O.S. 2021, Section
8 745.10, as amended by Section 54 of this act, shall be recodified as
9 Section 3745.10 of Title 27A of the Oklahoma Statutes, unless there
10 is created a duplication in numbering.

11 SECTION 181. RECODIFICATION 45 O.S. 2021, Section
12 745.11, as amended by Section 55 of this act, shall be recodified as
13 Section 3745.11 of Title 27A of the Oklahoma Statutes, unless there
14 is created a duplication in numbering.

15 SECTION 182. RECODIFICATION 45 O.S. 2021, Section
16 745.12, as amended by Section 56 of this act, shall be recodified as
17 Section 3745.12 of Title 27A of the Oklahoma Statutes, unless there
18 is created a duplication in numbering.

19 SECTION 183. RECODIFICATION 45 O.S. 2021, Section
20 745.13, as amended by Section 57 of this act, shall be recodified as
21 Section 3745.13 of Title 27A of the Oklahoma Statutes, unless there
22 is created a duplication in numbering.

23 SECTION 184. RECODIFICATION 45 O.S. 2021, Section
24 745.14, as amended by Section 58 of this act, shall be recodified as

1 Section 3745.14 of Title 27A of the Oklahoma Statutes, unless there
2 is created a duplication in numbering.

3 SECTION 185. RECODIFICATION 45 O.S. 2021, Section
4 745.15, as amended by Section 59 of this act, shall be recodified as
5 Section 3745.15 of Title 27A of the Oklahoma Statutes, unless there
6 is created a duplication in numbering.

7 SECTION 186. RECODIFICATION 45 O.S. 2021, Section
8 745.16.1, as amended by Section 60 of this act, shall be recodified
9 as Section 3745.16.1 of Title 27A of the Oklahoma Statutes, unless
10 there is created a duplication in numbering.

11 SECTION 187. RECODIFICATION 45 O.S. 2021, Section
12 745.17, as amended by Section 61 of this act, shall be recodified as
13 Section 3745.17 of Title 27A of the Oklahoma Statutes, unless there
14 is created a duplication in numbering.

15 SECTION 188. RECODIFICATION 45 O.S. 2021, Section
16 745.19, as amended by Section 62 of this act, shall be recodified as
17 Section 3745.19 of Title 27A of the Oklahoma Statutes, unless there
18 is created a duplication in numbering.

19 SECTION 189. RECODIFICATION 45 O.S. 2021, Section
20 745.21, as amended by Section 63 of this act, shall be recodified as
21 Section 3745.21 of Title 27A of the Oklahoma Statutes, unless there
22 is created a duplication in numbering.

23 SECTION 190. RECODIFICATION 45 O.S. 2021, Section
24 745.22, as amended by Section 64 of this act, shall be recodified as

1 Section 3745.22 of Title 27A of the Oklahoma Statutes, unless there
2 is created a duplication in numbering.

3 SECTION 191. RECODIFICATION 45 O.S. 2021, Section 751,
4 as amended by Section 65 of this act, shall be recodified as Section
5 3751 of Title 27A of the Oklahoma Statutes, unless there is created
6 a duplication in numbering.

7 SECTION 192. RECODIFICATION 45 O.S. 2021, Section 752,
8 as amended by Section 66 of this act, shall be recodified as Section
9 3752 of Title 27A of the Oklahoma Statutes, unless there is created
10 a duplication in numbering.

11 SECTION 193. RECODIFICATION 45 O.S. 2021, Section 753,
12 as amended by Section 67 of this act, shall be recodified as Section
13 3753 of Title 27A of the Oklahoma Statutes, unless there is created
14 a duplication in numbering.

15 SECTION 194. RECODIFICATION 45 O.S. 2021, Section 754,
16 as amended by Section 68 of this act, shall be recodified as Section
17 3754 of Title 27A of the Oklahoma Statutes, unless there is created
18 a duplication in numbering.

19 SECTION 195. RECODIFICATION 45 O.S. 2021, Section 754.1,
20 as amended by Section 69 of this act, shall be recodified as Section
21 3754.1 of Title 27A of the Oklahoma Statutes, unless there is
22 created a duplication in numbering.

23 SECTION 196. RECODIFICATION 45 O.S. 2021, Section 754.2,
24 as amended by Section 70 of this act, shall be recodified as Section

1 3754.2 of Title 27A of the Oklahoma Statutes, unless there is
2 created a duplication in numbering.

3 SECTION 197. RECODIFICATION 45 O.S. 2021, Section 755,
4 as amended by Section 71 of this act, shall be recodified as Section
5 3755 of Title 27A of the Oklahoma Statutes, unless there is created
6 a duplication in numbering.

7 SECTION 198. RECODIFICATION 45 O.S. 2021, Section 756,
8 as amended by Section 72 of this act, shall be recodified as Section
9 3756 of Title 27A of the Oklahoma Statutes, unless there is created
10 a duplication in numbering.

11 SECTION 199. RECODIFICATION 45 O.S. 2021, Section 757,
12 as amended by Section 73 of this act, shall be recodified as Section
13 3757 of Title 27A of the Oklahoma Statutes, unless there is created
14 a duplication in numbering.

15 SECTION 200. RECODIFICATION 45 O.S. 2021, Section 760,
16 as amended by Section 74 of this act, shall be recodified as Section
17 3760 of Title 27A of the Oklahoma Statutes, unless there is created
18 a duplication in numbering.

19 SECTION 201. RECODIFICATION 45 O.S. 2021, Section 760.1,
20 as amended by Section 75 of this act, shall be recodified as Section
21 3760.1 of Title 27A of the Oklahoma Statutes, unless there is
22 created a duplication in numbering.

23 SECTION 202. RECODIFICATION 45 O.S. 2021, Section 760.2,
24 as amended by Section 76 of this act, shall be recodified as Section

1 3760.2 of Title 27A of the Oklahoma Statutes, unless there is
2 created a duplication in numbering.

3 SECTION 203. RECODIFICATION 45 O.S. 2021, Section 765,
4 as amended by Section 77 of this act, shall be recodified as Section
5 3765 of Title 27A of the Oklahoma Statutes, unless there is created
6 a duplication in numbering.

7 SECTION 204. RECODIFICATION 45 O.S. 2021, Section 766,
8 as amended by Section 78 of this act, shall be recodified as Section
9 3766 of Title 27A of the Oklahoma Statutes, unless there is created
10 a duplication in numbering.

11 SECTION 205. RECODIFICATION 45 O.S. 2021, Section 767,
12 as amended by Section 79 of this act, shall be recodified as Section
13 3767 of Title 27A of the Oklahoma Statutes, unless there is created
14 a duplication in numbering.

15 SECTION 206. RECODIFICATION 45 O.S. 2021, Section 768,
16 as amended by Section 80 of this act, shall be recodified as Section
17 3768 of Title 27A of the Oklahoma Statutes, unless there is created
18 a duplication in numbering.

19 SECTION 207. RECODIFICATION 45 O.S. 2021, Section 769,
20 as amended by Section 81 of this act, shall be recodified as Section
21 3769 of Title 27A of the Oklahoma Statutes, unless there is created
22 a duplication in numbering.

23 SECTION 208. RECODIFICATION 45 O.S. 2021, Section 770,
24 as amended by Section 82 of this act, shall be recodified as Section

1 3770 of Title 27A of the Oklahoma Statutes, unless there is created
2 a duplication in numbering.

3 SECTION 209. RECODIFICATION 45 O.S. 2021, Section 771,
4 as amended by Section 83 of this act, shall be recodified as Section
5 3771 of Title 27A of the Oklahoma Statutes, unless there is created
6 a duplication in numbering.

7 SECTION 210. RECODIFICATION 45 O.S. 2021, Section 772,
8 as amended by Section 84 of this act, shall be recodified as Section
9 3772 of Title 27A of the Oklahoma Statutes, unless there is created
10 a duplication in numbering.

11 SECTION 211. RECODIFICATION 45 O.S. 2021, Section 773,
12 as amended by Section 85 of this act, shall be recodified as Section
13 3773 of Title 27A of the Oklahoma Statutes, unless there is created
14 a duplication in numbering.

15 SECTION 212. RECODIFICATION 45 O.S. 2021, Section 774,
16 as amended by Section 86 of this act, shall be recodified as Section
17 3774 of Title 27A of the Oklahoma Statutes, unless there is created
18 a duplication in numbering.

19 SECTION 213. RECODIFICATION 45 O.S. 2021, Section 775,
20 as amended by Section 87 of this act, shall be recodified as Section
21 3775 of Title 27A of the Oklahoma Statutes, unless there is created
22 a duplication in numbering.

23 SECTION 214. RECODIFICATION 45 O.S. 2021, Section 776,
24 as amended by Section 88 of this act, shall be recodified as Section

1 3776 of Title 27A of the Oklahoma Statutes, unless there is created
2 a duplication in numbering.

3 SECTION 215. RECODIFICATION 45 O.S. 2021, Section 777,
4 as amended by Section 89 of this act, shall be recodified as Section
5 3777 of Title 27A of the Oklahoma Statutes, unless there is created
6 a duplication in numbering.

7 SECTION 216. RECODIFICATION 45 O.S. 2021, Section 778,
8 as amended by Section 90 of this act, shall be recodified as Section
9 3778 of Title 27A of the Oklahoma Statutes, unless there is created
10 a duplication in numbering.

11 SECTION 217. RECODIFICATION 45 O.S. 2021, Section 779,
12 as amended by Section 91 of this act, shall be recodified as Section
13 3779 of Title 27A of the Oklahoma Statutes, unless there is created
14 a duplication in numbering.

15 SECTION 218. RECODIFICATION 45 O.S. 2021, Section 780,
16 as amended by Section 92 of this act, shall be recodified as Section
17 3780 of Title 27A of the Oklahoma Statutes, unless there is created
18 a duplication in numbering.

19 SECTION 219. RECODIFICATION 45 O.S. 2021, Section 781,
20 as amended by Section 93 of this act, shall be recodified as Section
21 3781 of Title 27A of the Oklahoma Statutes, unless there is created
22 a duplication in numbering.

23 SECTION 220. RECODIFICATION 45 O.S. 2021, Section 782,
24 as amended by Section 94 of this act, shall be recodified as Section

1 3782 of Title 27A of the Oklahoma Statutes, unless there is created
2 a duplication in numbering.

3 SECTION 221. RECODIFICATION 45 O.S. 2021, Section 783,
4 as amended by Section 95 of this act, shall be recodified as Section
5 3783 of Title 27A of the Oklahoma Statutes, unless there is created
6 a duplication in numbering.

7 SECTION 222. RECODIFICATION 45 O.S. 2021, Section 784,
8 as amended by Section 96 of this act, shall be recodified as Section
9 3784 of Title 27A of the Oklahoma Statutes, unless there is created
10 a duplication in numbering.

11 SECTION 223. RECODIFICATION 45 O.S. 2021, Section 786,
12 as amended by Section 97 of this act, shall be recodified as Section
13 3786 of Title 27A of the Oklahoma Statutes, unless there is created
14 a duplication in numbering.

15 SECTION 224. RECODIFICATION 45 O.S. 2021, Section 787,
16 as amended by Section 98 of this act, shall be recodified as Section
17 3787 of Title 27A of the Oklahoma Statutes, unless there is created
18 a duplication in numbering.

19 SECTION 225. RECODIFICATION 45 O.S. 2021, Section 789,
20 as amended by Section 99 of this act, shall be recodified as Section
21 3789 of Title 27A of the Oklahoma Statutes, unless there is created
22 a duplication in numbering.

23 SECTION 226. RECODIFICATION 45 O.S. 2021, Section 790,
24 as amended by Section 100 of this act, shall be recodified as

1 Section 3790 of Title 27A of the Oklahoma Statutes, unless there is
2 created a duplication in numbering.

3 SECTION 227. RECODIFICATION 45 O.S. 2021, Section 791,
4 as amended by Section 101 of this act, shall be recodified as
5 Section 3791 of Title 27A of the Oklahoma Statutes, unless there is
6 created a duplication in numbering.

7 SECTION 228. RECODIFICATION 45 O.S. 2021, Section 791.1,
8 as amended by Section 102 of this act, shall be recodified as
9 Section 3791.1 of Title 27A of the Oklahoma Statutes, unless there
10 is created a duplication in numbering.

11 SECTION 229. RECODIFICATION 45 O.S. 2021, Section 792,
12 as amended by Section 103 of this act, shall be recodified as
13 Section 3792 of Title 27A of the Oklahoma Statutes, unless there is
14 created a duplication in numbering.

15 SECTION 230. RECODIFICATION 45 O.S. 2021, Section 793,
16 as amended by Section 104 of this act, shall be recodified as
17 Section 3793 of Title 27A of the Oklahoma Statutes, unless there is
18 created a duplication in numbering.

19 SECTION 231. RECODIFICATION 45 O.S. 2021, Section 852,
20 as amended by Section 105 of this act, shall be recodified as
21 Section 3852 of Title 27A of the Oklahoma Statutes, unless there is
22 created a duplication in numbering.

23 SECTION 232. RECODIFICATION 45 O.S. 2021, Section 901,
24 as amended by Section 106 of this act, shall be recodified as

1 Section 3901 of Title 27A of the Oklahoma Statutes, unless there is
2 created a duplication in numbering.

3 SECTION 233. RECODIFICATION 45 O.S. 2021, Section 902,
4 as amended by Section 107 of this act, shall be recodified as
5 Section 3902 of Title 27A of the Oklahoma Statutes, unless there is
6 created a duplication in numbering.

7 SECTION 234. RECODIFICATION 45 O.S. 2021, Section 903,
8 as amended by Section 108 of this act, shall be recodified as
9 Section 3903 of Title 27A of the Oklahoma Statutes, unless there is
10 created a duplication in numbering.

11 SECTION 235. RECODIFICATION 45 O.S. 2021, Section 904,
12 as amended by Section 109 of this act, shall be recodified as
13 Section 3904 of Title 27A of the Oklahoma Statutes, unless there is
14 created a duplication in numbering.

15 SECTION 236. RECODIFICATION 45 O.S. 2021, Section 905,
16 as amended by Section 110 of this act, shall be recodified as
17 Section 3905 of Title 27A of the Oklahoma Statutes, unless there is
18 created a duplication in numbering.

19 SECTION 237. RECODIFICATION 45 O.S. 2021, Section 906,
20 as amended by Section 111 of this act, shall be recodified as
21 Section 3906 of Title 27A of the Oklahoma Statutes, unless there is
22 created a duplication in numbering.

23 SECTION 238. RECODIFICATION 45 O.S. 2021, Section 907,
24 as amended by Section 112 of this act, shall be recodified as

1 Section 3907 of Title 27A of the Oklahoma Statutes, unless there is
2 created a duplication in numbering.

3 SECTION 239. RECODIFICATION 45 O.S. 2021, Section 911,
4 as amended by Section 113 of this act, shall be recodified as
5 Section 3911 of Title 27A of the Oklahoma Statutes, unless there is
6 created a duplication in numbering.

7 SECTION 240. RECODIFICATION 45 O.S. 2021, Section 918,
8 as amended by Section 114 of this act, shall be recodified as
9 Section 3918 of Title 27A of the Oklahoma Statutes, unless there is
10 created a duplication in numbering.

11 SECTION 241. RECODIFICATION 45 O.S. 2021, Section 931,
12 as amended by Section 115 of this act, shall be recodified as
13 Section 3931 of Title 27A of the Oklahoma Statutes, unless there is
14 created a duplication in numbering.

15 SECTION 242. RECODIFICATION 45 O.S. 2021, Section 938.1,
16 as amended by Section 116 of this act, shall be recodified as
17 Section 3938.1 of Title 27A of the Oklahoma Statutes, unless there
18 is created a duplication in numbering.

19 SECTION 243. RECODIFICATION 45 O.S. 2021, Section 950,
20 as amended by Section 117 of this act, shall be recodified as
21 Section 3950 of Title 27A of the Oklahoma Statutes, unless there is
22 created a duplication in numbering.

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1 SECTION 244. RECODIFICATION 45 O.S. 2021, Section 1g
2 shall be recodified as Section 3001g of Title 27A of the Oklahoma
3 Statutes, unless there is created a duplication in numbering.

4 SECTION 245. RECODIFICATION 45 O.S. 2021, Section 9.1
5 shall be recodified as Section 3009.1 of Title 27A of the Oklahoma
6 Statutes, unless there is created a duplication in numbering.

7 SECTION 246. RECODIFICATION 45 O.S. 2021, Section 21.1
8 shall be recodified as Section 3021.1 of Title 27A of the Oklahoma
9 Statutes, unless there is created a duplication in numbering.

10 SECTION 247. RECODIFICATION 45 O.S. 2021, Section 32
11 shall be recodified as Section 3032 of Title 27A of the Oklahoma
12 Statutes, unless there is created a duplication in numbering.

13 SECTION 248. RECODIFICATION 45 O.S. 2021, Section 33
14 shall be recodified as Section 3033 of Title 27A of the Oklahoma
15 Statutes, unless there is created a duplication in numbering.

16 SECTION 249. RECODIFICATION 45 O.S. 2021, Section 37
17 shall be recodified as Section 3037 of Title 27A of the Oklahoma
18 Statutes, unless there is created a duplication in numbering.

19 SECTION 250. RECODIFICATION 45 O.S. 2021, Sections 40
20 and 43 shall be recodified as Sections 3040 and 3043 of Title 27A of
21 the Oklahoma Statutes, unless there is created a duplication in
22 numbering.

23 SECTION 251. RECODIFICATION 45 O.S. 2021, Sections 411,
24 412, 413, 414, 415, 416, 417, 418 and 419 shall be recodified as

1 Sections 3411, 3412, 3413, 3414, 3415, 3416, 3417, 3418 and 4319 of
2 Title 27A of the Oklahoma Statutes, unless there is created a
3 duplication in numbering.

4 SECTION 252. RECODIFICATION 45 O.S. 2021, Section 421
5 shall be recodified as Section 3421 of Title 27A of the Oklahoma
6 Statutes, unless there is created a duplication in numbering.

7 SECTION 253. RECODIFICATION 45 O.S. 2021, Sections 423
8 and 424 shall be recodified as Sections 3423 and 3424 of Title 27A
9 of the Oklahoma Statutes, unless there is created a duplication in
10 numbering.

11 SECTION 254. RECODIFICATION 45 O.S. 2021, Section 430
12 shall be recodified as Section 3430 of Title 27A of the Oklahoma
13 Statutes, unless there is created a duplication in numbering.

14 SECTION 255. RECODIFICATION 45 O.S. 2021, Sections 434,
15 435, 436 and 437 shall be recodified as Sections 3434, 3435, 3436
16 and 3437 of Title 27A of the Oklahoma Statutes, unless there is
17 created a duplication in numbering.

18 SECTION 256. RECODIFICATION 45 O.S. 2021, Sections 441
19 and 442 shall be recodified as Section 3441 and 3442 of Title 27A of
20 the Oklahoma Statutes, unless there is created a duplication in
21 numbering.

22 SECTION 257. RECODIFICATION 45 O.S. 2021, Sections 477
23 and 478 shall be recodified as Sections 3477 and 3478 of Title 27A
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1 of the Oklahoma Statutes, unless there is created a duplication in
2 numbering.

3 SECTION 258. RECODIFICATION 45 O.S. 2021, Sections 501,
4 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514,
5 515, 516, 517, 518, 519, 520, 521, 522, 523, 524 and 525 shall be
6 recodified as Sections 3501, 3502, 3503, 3504, 3505, 3506, 3507,
7 3508, 3509, 3510, 3511, 3512, 3513, 3514, 3515, 3516, 3517, 3518,
8 3519, 3520, 3521, 3522, 3523, 3524 and 3525 of Title 27A of the
9 Oklahoma Statutes, unless there is created a duplication in
10 numbering.

11 SECTION 259. RECODIFICATION 45 O.S. 2021, Section 527
12 shall be recodified as Section 3527 of Title 27A of the Oklahoma
13 Statutes, unless there is created a duplication in numbering.

14 SECTION 260. RECODIFICATION 45 O.S. 2021, Section 528.1
15 shall be recodified as Section 3528.1 of Title 27A of the Oklahoma
16 Statutes, unless there is created a duplication in numbering.

17 SECTION 261. RECODIFICATION 45 O.S. 2021, Section 528.2
18 shall be recodified as Section 3528.2 of Title 27A of the Oklahoma
19 Statutes, unless there is created a duplication in numbering.

20 SECTION 262. RECODIFICATION 45 O.S. 2021, Section 528.3
21 shall be recodified as Section 3528.3 of Title 27A of the Oklahoma
22 Statutes, unless there is created a duplication in numbering.

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1 SECTION 263. RECODIFICATION 45 O.S. 2021, Section 529
2 shall be recodified as Section 3529 of Title 27A of the Oklahoma
3 Statutes, unless there is created a duplication in numbering.

4 SECTION 264. RECODIFICATION 45 O.S. 2021, Section 580
5 shall be recodified as Section 3580 of Title 27A of the Oklahoma
6 Statutes, unless there is created a duplication in numbering.

7 SECTION 265. RECODIFICATION 45 O.S. 2021, Sections 603
8 and 604 shall be recodified as Sections 3603 and 3604 of Title 27A
9 of the Oklahoma Statutes, unless there is created a duplication in
10 numbering.

11 SECTION 266. RECODIFICATION 45 O.S. 2021, Section 612
12 shall be recodified as Section 3612 of Title 27A of the Oklahoma
13 Statutes, unless there is created a duplication in numbering.

14 SECTION 267. RECODIFICATION 45 O.S. 2021, Sections 614,
15 615 and 616 shall be recodified as Section 3614, 3615 and 3616 of
16 Title 27A of the Oklahoma Statutes, unless there is created a
17 duplication in numbering.

18 SECTION 268. RECODIFICATION 45 O.S. 2021, Sections 721
19 and 722 shall be recodified as Sections 3721 and 3722 of Title 27A
20 of the Oklahoma Statutes, unless there is created a duplication in
21 numbering.

22 SECTION 269. RECODIFICATION 45 O.S. 2021, Section 726
23 shall be recodified as Section 3726 of Title 27A of the Oklahoma
24 Statutes, unless there is created a duplication in numbering.

1 SECTION 270. RECODIFICATION 45 O.S. 2021, Section 730
2 shall be recodified as Section 3730 of Title 27A of the Oklahoma
3 Statutes, unless there is created a duplication in numbering.

4 SECTION 271. RECODIFICATION 45 O.S. 2021, Sections 736
5 and 737 shall be recodified as Sections 3736 and 3737 of Title 27A
6 of the Oklahoma Statutes, unless there is created a duplication in
7 numbering.

8 SECTION 272. RECODIFICATION 45 O.S. 2021, Sections
9 740.1, 740.2, 740.3, 740.4, 740.5, 740.6 and 740.7 shall be
10 recodified as Sections 3740.1, 3740.2, 3740.3, 3740.4, 3740.5,
11 3740.6 and 3740.7 of Title 27A of the Oklahoma Statutes, unless
12 there is created a duplication in numbering.

13 SECTION 273. RECODIFICATION 45 O.S. 2021, Sections 744
14 and 745 shall be recodified as Sections 3744 and 3745 of Title 27A
15 of the Oklahoma Statutes, unless there is created a duplication in
16 numbering.

17 SECTION 274. RECODIFICATION 45 O.S. 2021, Section 745.7
18 shall be recodified as Section 3745.7 of Title 27A of the Oklahoma
19 Statutes, unless there is created a duplication in numbering.

20 SECTION 275. RECODIFICATION 45 O.S. 2021, Section 745.18
21 shall be recodified as Section 3745.18 of Title 27A of the Oklahoma
22 Statutes, unless there is created a duplication in numbering.

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1 SECTION 276. RECODIFICATION 45 O.S. 2021, Section 745.20
2 shall be recodified as Section 3745.20 of Title 27A of the Oklahoma
3 Statutes, unless there is created a duplication in numbering.

4 SECTION 277. RECODIFICATION 45 O.S. 2021, Section 746
5 shall be recodified as Section 3746 of Title 27A of the Oklahoma
6 Statutes, unless there is created a duplication in numbering.

7 SECTION 278. RECODIFICATION 45 O.S. 2021, Sections 747,
8 748, 749 and 750 shall be recodified as Sections 3747, 3748, 3749
9 and 3750 of Title 27A of the Oklahoma Statutes, unless there is
10 created a duplication in numbering.

11 SECTION 279. RECODIFICATION 45 O.S. 2021, Section 761
12 shall be recodified as Section 3761 of Title 27A of the Oklahoma
13 Statutes, unless there is created a duplication in numbering.

14 SECTION 280. RECODIFICATION 45 O.S. 2021, Section 785
15 shall be recodified as Section 3785 of Title 27A of the Oklahoma
16 Statutes, unless there is created a duplication in numbering.

17 SECTION 281. RECODIFICATION 45 O.S. 2021, Section 788
18 shall be recodified as Section 3788 of Title 27A of the Oklahoma
19 Statutes, unless there is created a duplication in numbering.

20 SECTION 282. RECODIFICATION 45 O.S. 2021, Section 851
21 shall be recodified as Section 3851 of Title 27A of the Oklahoma
22 Statutes, unless there is created a duplication in numbering.

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1 SECTION 283. RECODIFICATION 45 O.S. 2021, Section 853
2 shall be recodified as Section 3853 of Title 27A of the Oklahoma
3 Statutes, unless there is created a duplication in numbering.

4 SECTION 284. RECODIFICATION 45 O.S. 2021, Sections 908,
5 909 and 910 shall be recodified as Sections 3908, 3909 and 3910 of
6 Title 27A of the Oklahoma Statutes, unless there is created a
7 duplication in numbering.

8 SECTION 285. RECODIFICATION 45 O.S. 2021, Section 912,
9 913, 914, 915, 916 and 917 shall be recodified as Sections 3912,
10 3913, 3914, 3915, 3916 and 3917 of Title 27A of the Oklahoma
11 Statutes, unless there is created a duplication in numbering.

12 SECTION 286. RECODIFICATION 45 O.S. 2021, Section 919
13 shall be recodified as Section 3919 of Title 27A of the Oklahoma
14 Statutes, unless there is created a duplication in numbering.

15 SECTION 287. RECODIFICATION 45 O.S. 2021, Sections 932,
16 933, 934, 935, 936 and 937 shall be recodified as Sections 3932,
17 3933, 3934, 3935, 3936 and 3937 of Title 27A of the Oklahoma
18 Statutes, unless there is created a duplication in numbering.

19 SECTION 288. RECODIFICATION 45 O.S. 2021, Section 939
20 shall be recodified as Section 3939 of Title 27A of the Oklahoma
21 Statutes, unless there is created a duplication in numbering.

22 SECTION 289. RECODIFICATION 45 O.S. 2021, Section 939.1
23 shall be recodified as Section 3939.1 of Title 27A of the Oklahoma
24 Statutes, unless there is created a duplication in numbering.

1 SECTION 290. RECODIFICATION 45 O.S. 2021, Section 940
2 shall be recodified as Section 3940 of Title 27A of the Oklahoma
3 Statutes, unless there is created a duplication in numbering.

4 SECTION 291. This act shall become effective July 1, 2022.

5 SECTION 292. It being immediately necessary for the
6 preservation of the public peace, health or safety, an emergency is
7 hereby declared to exist, by reason whereof this act shall take
8 effect and be in full force from and after its passage and approval.

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