



Protect Our Water, Protect Our Future

Citizens for the Protection of the Arbuckle Simpson Aquifer

OKANewsletter

 August 2011

Pit Water Regulation Passes Legislature

Following years of court battles and legislative wrangling, a new law regulating pit water accumulating in mining operations over the Arbuckle-Simpson Aquifer was signed by Oklahoma Governor Mary Fallin, after it passed both the House and Senate without opposition.

SB 597 by Rep. Todd Thomsen and Senator Brian Bingman, removes a special exemption held by the aggregates industry and places regulation of 'pit water' infiltrating mining operations over sensitive sole-source aquifers under the jurisdiction of the Oklahoma Water Resources Board.

"This legislation closes a gap in the regulation of the Arbuckle-Simpson," said Amy Ford, CPASA President. "It is critical that we have a full accounting of the water being removed," continued Ford. "SB 597 not only provides us with that accounting, but also ensures that the overall sustainability of the aquifer is protected. It also brings parity to the management of all major users in the Arbuckle-Simpson Aquifer, bringing the aggregates industry under the same regulations as all other users."

Alex Weintz, communications director for the governor's office, issued the following statement about the bill's passage: "Senate Bill 597 ensures that new mining operations around the Arbuckle-Simpson Aquifer meet reasonable environmental standards as outlined by the (Oklahoma) Water Resources Board. "The legislation allows mining operations to continue without overly burdensome mandates while ensuring the state is exercising its responsibility to protect the quality of our water."

For new mines, the Oklahoma Water Resources Board in coordination with the Department of Mines will develop new rules for the taking, using or disposal of pit water collecting in producing mine pits. Existing and pending mines will be required to adopt and implement a plan to monitor and report the accumulation and disposition of pit water.

CPASA will continue to be involved as the new rules and monitoring plans are developed.

The new law can be read online at www.oklegislature.gov/BillInfo.aspx?Bill=SB597.

Notice of CPASA Annual Meeting
Thursday, October 13, 2011 - 6:00 pm
Pennington Park, Tishomingo

For details and map, go to www.cpasane.net.

State Water Plan Update

The final report is now available at okwaterplan.info. The Plan includes comments received during April & May.

What happens now? OWRB will conduct public reviews at its board meetings Aug 9 and Sep 13, beginning at 9:30 am at 3800 N Classen Blvd, OKC. Your attendance, comments and suggestions are encouraged at these meetings. After these meetings, OWRB will vote on the Plan at its meeting held in conjunction with the Governor's Water Conference October 18-19.

The plan will be presented to the legislature and governor in February 2012 at the beginning of the legislative session. The legislature's role is to develop any legislation needed to help implement the plan.

Meanwhile, 16 legislators have been named to a Joint Legislative Water Cmte to begin studying the Plan Aug 17. For more info on the Water Committee and a list of its members, go to www.cpasane.net.

Dept of Mines Loses Court Decision

In April, the Oklahoma Supreme Court ruled that the statutes and rules of the Oklahoma Department of Mines (DOM) fail to provide due process to those outside of the one mile area surrounding a mining site.

The case of Daffin v State can be found online at www.oscn.net by searching "2011 OK 22."

Although CPASA was not a party in the case, the ruling does affect us. In the December 2010 informal conference regarding Arbuckle Aggregates, there was concern that DOM would refuse to consider protests from outside of the one-mile area prescribed by DOM rules. DOM now needs new rules for handling future protests, including the Arbuckle Aggregates application still pending at DOM.

The Court, in Daffin, citing the 1950 United States Supreme Court case of Mullane v Central Hanover Bank & Trust Co., states that "the right to due process is conferred, not by legislative grace, but by constitutional guarantee." Further, the Court states, "The right to due process is conferred by constitutional guarantee by the United States and the Oklahoma Constitutions. Daffin's and others' property interests may not be limited by procedures allowing only owners within one mile of the site to appear and be heard."

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2010-2011 BOARD OF DIRECTORS

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Join/Renew your membership today!

It's that time of year again: the 2011-12 membership year begins October 1. Contributions received now will be credited to the new year.

Thanks for your continued support!

CPASA SPEAKERS BUREAU

Want to learn more about the Arbuckle Simpson Aquifer and current efforts to protect it? Ask our Speakers Bureau volunteers to come to your meeting and discuss current issues. It's free!

Contact us to schedule a speaker.

email: cpasa@cpasa.net

phone: (580) 371-6446

letter: PO Box 891, Tishomingo, OK 73460

Want to get your CPASA news fast? GO TO WWW.CPASA.NET AND SIGN UP FOR EMAIL ALERTS! Hot topics this fall include updates on pit water regulation rules, SB288 implementation, statewide water plan and others.

SUPPORT CPASA

Join/renew membership online at www.cpasa.net or mail your check and completed form below to:

CPASA, PO Box 891, Tishomingo, OK 73460. Your contributions are tax deductible. THANK YOU!

Membership Levels: \$100-Platinum \$100-Silver \$50-Bronze \$25-Family \$10-Individual \$5-Student

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