

WATER

Support for state policies and procedures, which promote comprehensive long-range planning for conservation and development of water resources

The League of Women Voters of Oklahoma (LWVOK) believes that water is a life-sustaining resource and that access to water is a basic human right.

The LWVOK believes that water belongs to the people and that Oklahoma laws must be based on and reflect that status. We oppose the concept of strict adherence to private ownership of water (riparian rights) because it contradicts these principles.

Comprehensive water planning and management is essential to the optimal use of the state's water resources and must include coordination among federal, state and local agencies. Such planning and management must balance the needs of each locality/area within the state with statewide and regional interests. At each level, procedures should allow for citizen participation in policy decisions affecting water quality, collection, and dispersal.

Both water quality and quantity must be safeguarded. Water conservation should be the primary method of ensuring adequate water for present and future needs. Pollution of water resources should be controlled in order to preserve the physical, chemical and biological integrity of ecosystems and to protect public health.

Water regulations currently in place should be strictly enforced and agencies or entities given responsibility for the regulatory process should be funded to a level that reflects the intent of the laws upon which the regulations are based. A combination of incentives and punishments should be used in a manner that deters or reinforces the targeted behavior effectively.

The LWVOK supports:

- full disclosure of all chemicals used in any process that affects the quality of water to the appropriate government agency and urges that access to this information be made available to the public,
- continued education at all levels on the importance of water conservation, quality and availability, and
- on-going long-term planning efforts regarding water resources, watersheds and infrastructure.

BACKGROUND

Although the League of Women Voters of the United States reached a position on water in 1958 and updated and revised it in 1960, delegates to the LWVOK Council in 1978 found that they shared a deep concern about the quality and quantity of water in

Oklahoma. The Oklahoma City League had planned a water workshop in late June to be called "Oklahoma Water, Supply and Demand." It was decided to seek funding and expand this workshop to include the whole state. Funding in the form of a mini-grant of \$100 was received from the LWVUS Education Fund, and the workshop was held June 22, 1978. During the afternoon, "unit meetings" of League participants had discussion and arrived at consensus. This consensus was sent to local Leagues for their review and concurrence.

Concurrence was approved by the LWVOK Board in January 1979. In 1985, recognizing the importance and urgency of environmental issues, The LWVOK Board created the environmental quality portfolio. The portfolio covered a wide spectrum of environmental issues, in addition to water. Most of the issues are addressed in national League positions. They include state and local solid waste management, including solid waste disposal reform; recycling and regional planning; hazardous waste disposal reform and minimization of toxic waste; reduction of point and non-point sources of contamination to both surface and ground water; maintenance of quality drinking water, and the diversion of water to out-of-state sites.

In 1989, through grants from the LWVOK Citizens Education Fund and the Oklahoma Wildlife Federation, the League published *Oklahoma's Drinking Water*. Among the topics addressed in the book are natural factors that affect the quality of drinking water sources, how public water systems operate, the role of the regulatory agencies, contamination by pollution, and the impact of federal regulations. A key concern noted was the ability of small public water systems to bear the burden of additional treatment and testing imposed under the 1989 Federal Safe Drinking Water Amendments. This was of special interest since 90 percent of Oklahoma's 2583 public water systems serve populations of less than 3,300 people. *Oklahoma's Drinking Water* was cited by the Director of the Office of Drinking Water for EPA as "a good reference for study".

In March 1991, Linda Walker (LWV-Bartlesville, principal author of *Oklahoma's Drinking Water* and LWVOK Environmental Chair) and Cheri Ezzell (LWV-Enid) were presenters at an LWVUS Groundwater Education Workshop in Washington, D. C. That fall, based on an application developed by Ezzell, The League of Women Voters of Enid received funding from the EPA and the LWVUS Education Fund to implement a groundwater protection program for the City of Enid.

In 1991, the passage of SB 518 amended its anti-corporate farming law, allowing foreign and corporate ownership of agricultural land. In 1993, the "Right to Farm" law (SB 147) was passed. This bill protected licensed concentrated animal feeding operations against law suits from residents who lived three miles or more outside an incorporated city limit and had fewer than ten occupied homes per square mile. After the passage of these bills, corporate hog and chicken farming flourished in Oklahoma.

The primary environmental focus for the LWVOK during 1991 and 1992 was to support efforts to consolidate and streamline state environmental organizations. Under HB 2227 (enacted during the 1992 session and effective July 1, 1993) Oklahoma has a fully

functional Department of Environmental Quality (DEQ) that is responsible for the principal environmental regulatory functions of air quality, water quality, and solid and hazardous wastes. Per HB 2227, DEQ is overseen by a 13-member citizen board with expertise in environmental regulatory areas. Advisory boards in the various regulatory areas, assist the Environmental Quality Board in rule making. A standard complaint tracking system was also established under the new legislation. Linda Walker (LWV-Bartlesville) was named to the DEQ Board and 1991-1993 LWVOK President Kathy Hinkle (LWV-Tulsa) was named to the Air Quality Council, one of the DEQ advisory boards.

HB 2227 was an attempt to consolidate environmental regulation into one agency. However, in the next legislative session, regulation of all agricultural operations was returned to the Department of Agriculture. Regulation of the oil and gas industry was returned to the Corporation Commission. In fact, there are still several agencies involved in environmental regulation and issuing permits.

HB 1522 was enacted in 1997 in an attempt to regulate the hog industry. SB 1170 and SB 1175 were passed in 1998 to add additional regulations to the hog industry and to regulate the chicken industry for the first time. These measures are good first steps toward regulation of these industries, but they still fall short of being environmentally protective.

At its 2011 state convention, the LWVOK authorized a restudy of the water position that had been last revised in 1998. The stated purpose of that restudy was to update the current (incomplete) LWVOK position on water so that it is aligned with the LWVUS position on water resources and is pertinent to the unique issues of water use, management, ownership and quality as they exist in Oklahoma. The study would potentially investigate and cover major watersheds and aquifers in the state of Oklahoma, current water use and potential future needs for water in the state, water ownership and sale of water rights and other issues that may arise during the course of the study.

Early meetings of the committee focused on water law and were attended at times by Gary Allison, University of Tulsa law professor and expert on Oklahoma water law. The Committee established a timeline and determined what areas of focus should be included in the study.

A meeting was held in June 2012 in Stroud to better define the study action plan. The following areas of concern were identified relative to the existing League of Women Voters of Oklahoma position on water:

- inadequate language for major law concerns,
- inadequate public financing of water infrastructure,
- no position on fracking,
- necessity for adequate legal and agency personnel for enforcement purposes,
- point and non-point pollution penalties and enforcement,
- need for consistent definitions, and

- existing method for handling complaints and protecting the public.

Research assignments were made and future meetings revolved around reporting on and digesting the research. Additional meetings were held in Stillwater and Tulsa. The consensus topics were determined to be as follows:

- water availability,
- water conservation,
- water quality,
- fracking, and
- funding, enforcement and legal implications of water in Oklahoma

Consensus questions for each topic were developed and submitted to the LWVOK Board for approval in at the September 2012 Board meeting prior to distribution to state Leagues for the consensus process. A study guide was developed including articles and reference sources for each topic. Materials were distributed to the local Leagues on October 15, 2012. The deadline for completion of the consensus process was March 15, 2013.

Consensus reports were received from League chapters in Norman, Stillwater, Tulsa and Lawton. A spreadsheet was developed with all of the responses to the consensus questions and this was distributed to all committee members for review. A committee meeting was held in Tulsa on May 19, 2013 to tackle drafting a new position on water. That draft was distributed by email to the committee for final comment, amended based on those comments, and the final position was agreed on.