

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL 1005

6 By: Allen

7 COMMITTEE SUBSTITUTE

8 An Act relating to the environment and natural  
9 resources; prohibiting Department of Environmental  
10 Quality from requiring use of air curtain incinerator  
11 for certain fires in certain areas; defining terms;  
12 authorizing Department to promulgate certain rules;  
13 prohibiting certain burning from being classed as  
14 public nuisance; providing for codification; and  
15 providing an effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 2-5-130 of Title 27A, unless  
19 there is created a duplication in numbering, reads as follows:

20 A. 1. The Department of Environmental Quality shall not  
21 require the use of an air curtain incinerator for fires purposely  
22 set for land clearing operations except in counties or areas that  
23 are or have been designated nonattainment for a National Ambient Air  
24 Quality Standard or in metropolitan statistical areas with a  
population of greater than nine hundred thousand (900,000) people  
according to the latest federal decennial census.

1           2. For the purposes of this section, "air curtain incinerator"  
2 means an incineration unit, operating by forcefully projecting a  
3 curtain of air across an open integrated combustion chamber or open  
4 pit or trench, in which combustion occurs. For the purposes of this  
5 section, "metropolitan statistical area," means a core area  
6 containing a substantial population nucleus, together with adjacent  
7 communities having a high degree of economic and social integration  
8 with that core, as defined by the federal Office of Management and  
9 Budget.

10           B. The Department shall not require the use of an air curtain  
11 incinerator for fires purposely set for the burning of clean wood  
12 waste or yard brush except in counties or areas that are or have  
13 been designated nonattainment for a National Ambient Air Quality  
14 Standard or in metropolitan statistical areas with a population of  
15 greater than nine hundred thousand (900,000) people according to the  
16 latest federal decennial census.

17           C. The Department may promulgate rules to limit accumulation of  
18 clean wood waste or yard brush.

19           D. The burning of clean wood waste or yard brush shall not  
20 create a public nuisance.

21           E. The Department shall promulgate rules to carry out the  
22 provisions of this section.

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SECTION 2. This act shall become effective November 1, 2019.

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