

1 **SENATE FLOOR VERSION**

2 February 14, 2019

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1005

6 By: Allen

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

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

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

19 A. 1. The Department of Environmental Quality shall not
20 require the use of an air curtain incinerator for fires purposely
21 set for land clearing operations except in counties or areas that
22 are or have been designated nonattainment for a National Ambient Air
23 Quality Standard or in metropolitan statistical areas with a
24 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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1 SECTION 2. This act shall become effective November 1, 2019.

2 COMMITTEE REPORT BY: COMMITTEE ON ENERGY
3 February 14, 2019 - DO PASS AS AMENDED
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