

An Act

ENROLLED SENATE
BILL NO. 1005

By: Allen of the Senate

and

O'Donnell of the House

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

SUBJECT: Fire safety procedures

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 2-5-130 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. 1. The Department of Environmental Quality shall not require the use of an air curtain incinerator for fires purposely set for land clearing operations except in counties or areas that are or have been designated nonattainment for a National Ambient Air 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.

2. For the purposes of this section, "air curtain incinerator" means an incineration unit, operating by forcefully projecting a curtain of air across an open integrated combustion chamber or open pit or trench, in which combustion occurs. For the purposes of this

section, "metropolitan statistical area," means a core area containing a substantial population nucleus, together with adjacent communities having a high degree of economic and social integration with that core, as defined by the federal Office of Management and Budget.

B. The Department shall not require the use of an air curtain incinerator for fires purposely set for the burning of clean wood waste or yard brush except in counties or areas that are or have been designated nonattainment for a National Ambient Air 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.

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

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

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

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

Passed the Senate the 6th day of March, 2019.

Presiding Officer of the Senate

Passed the House of Representatives the 23rd day of April, 2019.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____