

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 492 By: Sparks of the Senate  
3 and  
4 Hoskin of the House  
5  
6

7 [ Oklahoma Clean Air Act - powers and duties of the  
8 Department of Environmental Quality - tribal  
governments - codification - effective date ]  
9  
10

11 AUTHOR: Add the following Senate Coauthor: Pittman  
12 AMENDMENT NO. 1. Page 1, line 9, strike the enacting clause  
13 Passed the House of Representatives the 25th day of April, 2017.  
14

15  
16 \_\_\_\_\_  
Presiding Officer of the House of  
Representatives  
17

18 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2017.  
19

20  
21 \_\_\_\_\_  
Presiding Officer of the Senate  
22  
23  
24

ENGROSSED SENATE  
BILL NO. 492

By: Sparks of the Senate

and

Hoskin of the House

[ Oklahoma Clean Air Act - powers and duties of the  
Department of Environmental Quality - tribal  
governments - codification - effective date ]

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

SECTION 1. AMENDATORY 27A O.S. 2011, Section 2-5-105, is amended to read as follows:

Section 2-5-105. The Department of Environmental Quality is hereby designated the administrative agency for the Oklahoma Clean Air Act for the state. The Department is empowered to:

1. Establish, in accordance with its provisions, those programs specified elsewhere in the Oklahoma Clean Air Act;
2. Establish, in accordance with the Oklahoma Clean Air Act, a permitting program for the state which will contain the flexible source operation provisions required by Section 502(b)(10) of the Federal Clean Air Act Amendments of 1990;
3. Prepare and develop a general plan for proper air quality management in the state in accordance with the Oklahoma Clean Air Act;

1           4. Enforce rules of the Board and orders of the Department and  
2 the Council;

3           5. Advise, consult and cooperate with other agencies of the  
4 state, towns, cities and counties, industries, other states, tribal  
5 governments and the federal government, and with affected groups in  
6 the prevention and control of new and existing air contamination  
7 sources within the state;

8           6. Encourage and conduct studies, seminars, workshops,  
9 investigations and research relating to air pollution and its  
10 causes, effects, prevention, control and abatement;

11           7. Collect and disseminate information relating to air  
12 pollution, its prevention and control;

13           8. Encourage voluntary cooperation by persons, towns, cities,  
14 tribal governments and counties, or other affected groups in  
15 restoring and preserving a reasonable degree of purity of air within  
16 the state;

17           9. Represent the State of Oklahoma in any and all matters  
18 pertaining to plans, procedures or negotiations for the interstate  
19 compacts in relation to the control of air pollution;

20           10. Provide such technical, scientific or other services,  
21 including laboratory and other facilities, as may be required for  
22 the purpose of carrying out the provisions of the Oklahoma Clean Air  
23 Act, from funds available for such purposes;

24

1           11. Employ and compensate, within funds available therefor,  
2 such consultants and technical assistants and such other employees  
3 on a full- or part-time basis as may be necessary to carry out the  
4 provisions of the Oklahoma Clean Air Act and prescribe their powers  
5 and duties;

6           12. Accept and administer grants or other funds or gifts for  
7 the purpose of carrying out any of the functions of the Oklahoma  
8 Clean Air Act;

9           13. Budget and receive duly appropriated monies and all other  
10 monies available for expenditures to carry out the provisions and  
11 purposes of the Oklahoma Clean Air Act;

12           14. Bring appropriate court action to enforce the Oklahoma  
13 Clean Air Act and final orders of the Department, and to obtain  
14 injunctive or other proper relief in the district court of the  
15 county where any alleged violation occurs or where such relief is  
16 determined necessary. The Department, in furtherance of its  
17 statutory powers, shall have the independent authority to file an  
18 action pursuant to the Oklahoma Clean Air Act in district court.  
19 Such action shall be brought in the name of the Department of  
20 Environmental Quality;

21           15. Take such action as may be necessary to abate the alleged  
22 pollution upon receipt of evidence that a source of pollution or a  
23 combination of sources of pollution is presenting an immediate,  
24 imminent and substantial endangerment to the health of persons;

1           16. Periodically enter and inspect at reasonable times or  
2 during regular business hours, any source, facility or premises  
3 permitted or regulated by the Department, for the purpose of  
4 obtaining samples or determining compliance with the Oklahoma Clean  
5 Air Act or any rule promulgated thereunder or permit condition  
6 prescribed pursuant thereto, or to examine any records kept or  
7 required to be kept pursuant to the Oklahoma Clean Air Act. Such  
8 inspections shall be conducted with reasonable promptness and shall  
9 be confined to those areas, sources, facilities or premises  
10 reasonably expected to emit, control, or contribute to the emission  
11 of any air contaminant;

12           17. Require the submission or the production and examination,  
13 within a reasonable amount of time, of any information, record,  
14 document, test or monitoring results or emission data, including  
15 trade secrets necessary to determine compliance with the Oklahoma  
16 Clean Air Act or any rule promulgated thereunder, or any permit  
17 condition prescribed or order issued pursuant thereto. The  
18 Department shall hold and keep as confidential any information  
19 declared by the provider to be a trade secret and may only release  
20 such information upon authorization by the person providing such  
21 information, or as directed by court order. Any documents submitted  
22 pursuant to the Oklahoma Clean Air Act and declared to be trade  
23 secrets, to be so considered, must be plainly labeled by the  
24 provider, and be in a form whereby the confidential information may

1 be easily removed intact without disturbing the continuity of any  
2 remaining documents. The remaining document, or documents, as  
3 submitted, shall contain a notation indicating, at the place where  
4 the particular information was originally located, that confidential  
5 information has been removed. Nothing in this section shall  
6 preclude an in-camera examination of confidential information by an  
7 Administrative Law Judge during the course of a contested hearing;

8 18. Maintain and update at least annually an inventory of air  
9 emissions from stationary sources;

10 19. Accept any authority delegated from the federal government  
11 necessary to carry out any portion of the Oklahoma Clean Air Act;  
12 and

13 20. Carry out all other duties, requirements and  
14 responsibilities necessary and proper for the implementation of the  
15 Oklahoma Clean Air Act and fulfilling the requirements of the  
16 Federal Clean Air Act.

17 SECTION 2. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 2-5-105.1 of Title 27A, unless  
19 there is created a duplication in numbering, reads as follows:

20 In preparing any response on behalf of the State of Oklahoma to  
21 the federal government on any issue pertaining to the federal Clean  
22 Air Act, the Oklahoma Clean Air Act, modifications to air emission  
23 standards or any air quality issue, pursuant to the statutory  
24 authority granted to the Department of Environmental Quality in the

1 Oklahoma Clean Air Act, the Department shall seek and include any  
2 response submitted to the Department by any of Oklahoma's federally-  
3 recognized tribal governments.

4 SECTION 3. This act shall become effective November 1, 2017.

5 Passed the Senate the 14th day of March, 2017.

6

7

\_\_\_\_\_  
Presiding Officer of the Senate

8

9 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
10 2017.

11

12

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

13

14

15

16

17

18

19

20

21

22

23

24