

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2599

By: Rice

AS INTRODUCED

An Act relating to environment and natural resources; amending Section 5, Chapter 215, O.S.L. 1992 (63 O.S. Supp. 1992, Section 1-1806.1), as amended by Section 43, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-5-106), which relates to rules for air emissions; authorizing certain air emissions basis; requiring certain economic impact and environmental benefit statement for certain rules; providing for issuance and submission; providing for contents; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY Section 5, Chapter 215, O.S.L. 1992 (63 O.S. Supp. 1992, Section 1-1806.1), as amended by Section 43, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-5-106), is amended to read as follows:

Section 2-5-106. The Board is hereby authorized, after public rulemaking hearing and approval by the Council, to:

1. Promulgate, amend or repeal rules for the prevention, control and abatement of air pollution and for establishment of health and safety tolerance standards for discharge of air contaminants to the atmosphere. Rules promulgated relating to air emission for grain elevators and feed mills shall not exceed National Ambient Air Standards Quality of ten microns or less of particulate matter; and

2. Promulgate such additional rules including but not limited to permit fees, as it deems necessary to protect the health, safety and welfare of the public and fulfill the intent and purpose of these provisions.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1-206 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. Each state environmental agency in promulgation of permanent rules within its areas of environmental jurisdiction, prior to the submittal to public comment and review of any rule that is more stringent than federal requirements, shall duly determine the economic impact and the environmental benefit of such rule on the people of the State of Oklahoma including those entities that will be subject to the rule. Such determination shall be in written form.

B. Such economic impact and environmental benefit statement of a proposed permanent rule shall be issued prior to or within fifteen (15) days after the date of publication of the notice of the proposed permanent rule adoption. The statement may be modified after any hearing or comment period afforded pursuant to Article I of the Administrative Procedures Act.

C. The economic impact and environmental benefit statement shall be submitted to the Governor pursuant to Section 303.1 of Title 75 of the Oklahoma Statutes and to the Legislature pursuant to Section 308 of Title 75 of the Oklahoma Statutes. Such reports

submitted to the Governor and to the Legislature shall include a brief summary of any public comments made concerning the statement and any response by the agency to the public comments demonstrating a reasoned evaluation of the relative impacts and benefits of the more stringent rule.

SECTION 3. This act shall become effective September 1, 1994.

44-2-8223

KSM