

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL 546

By: Capps

COMMITTEE SUBSTITUTE

[environment and natural resources - prohibiting
open burning -

effective date]

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 2-5.106.1 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. For purposes of this section, "open burning" means the burning of combustible materials in such a manner that the products of combustion are emitted directly to the outside atmosphere.

B. A municipal fire department may engage in controlled open burning for purposes of fire training if the records of the department document the purpose of the burn and the following conditions are met:

1. The municipal fire chief or designee shall provide notification of the planned burn to the Department of Environmental Quality at least ten (10) days prior to the burning. The notification shall be on a form developed by the Department, document the provisions of this section are satisfied and be signed by the municipal fire chief;

2. For any man-made structure, the entire structure, including, but not limited to, insulation, roofing, flooring, painted surfaces and plumbing, shall be examined for the presence of asphalt,

asbestos and lead-containing materials. All asphalt, asbestos and lead-containing materials shall be removed from the structure prior to the fire training. Asbestos inspection and removal shall be conducted according to the requirements of federal law;

3. Any man-made structure shall not be demolished prior to the fire training. Demolition shall not include structural deterioration due to natural causes;

4. Prior to conducting any fire training involving a man-made structure located within three hundred (300) feet of another man-made structure, the municipality shall notify in writing the owners of such property located within three hundred feet (300) within ten (10) days prior to a meeting of the governing body of the municipality to provide an opportunity for public comment; and

5. Following the completion of fire training, all debris resulting from the training must be disposed of in the appropriate manner.

C. Burning of tires is prohibited at all times even for the purposes of fire training.

D. The Board of Environmental Quality shall have the authority to promulgate such rules as may be necessary to implement the purposes of this section.

SECTION 2. This act shall become effective November 1, 2003.

49-1-1081

MJM

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