

CS for SB 546

THE STATE SENATE
Monday, February 17, 2003

Committee Substitute for
Senate Bill No. 546

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 546 - By: CAPPS of the
Senate and BONNY of the House.

[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,

1 document the provisions of this section are satisfied and be signed
2 by the municipal fire chief;

3 2. For any man-made structure, the entire structure, including,
4 but not limited to, insulation, roofing, flooring, painted surfaces
5 and plumbing, shall be examined for the presence of asphalt,
6 asbestos and lead-containing materials. All asphalt, asbestos and
7 lead-containing materials shall be removed from the structure prior
8 to the fire training. Asbestos inspection and removal shall be
9 conducted according to the requirements of federal law;

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

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

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

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

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

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

5 COMMITTEE REPORT BY: COMMITTEE ON ENERGY, ENVIRONMENT &
6 COMMUNICATIONS, dated 2-13-03 - DO PASS, As Amended and Coauthored.