

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1425

By: Brecheen

4  
5 AS INTRODUCED

6 An Act relating to storm debris removal; authorizing  
7 cities and counties to establish process allowing  
8 burning of debris following natural disasters;  
9 requiring coordination with Department of  
10 Environmental Quality; requiring approval by  
11 municipal governing bodies or board of county  
commissioners; stating requirements for plan;  
providing for permitted burning within certain time  
period; stating exception; specifying location;  
authorizing rulemaking; providing for codification;  
and declaring an emergency.

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

14 SECTION 1. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 2-10-309 of Title 27A, unless  
16 there is created a duplication in numbering, reads as follows:

17 A. Any municipality or county shall be authorized to establish  
18 a Storm Debris Burning Plan for the purpose of allowing residents to  
19 burn debris following a natural disaster, as may be declared by the  
20 Governor. Such Storm Debris Burning Plan is hereby authorized,  
21 notwithstanding other provisions of law restricting such disposal.  
22 Municipalities or counties shall work in coordination with the  
23 Department of Environmental Quality to develop a plan to ensure  
24 hazardous materials are safely removed and safety measures are

1 adequate to protect residents and property. The plan shall be  
2 approved by the municipal governing body or board of county  
3 commissioners.

4 B. Each municipality or county's Storm Debris Removal Plan  
5 shall address liability issues and each entity shall appoint a local  
6 governmental official responsible for issuing a permit to the  
7 resident requesting to burn debris and contacting adjacent property  
8 owners and other residents who may be affected by such disposal.

9 C. Within thirty (30) days following a natural disaster, a  
10 resident of a municipality or county with an approved procedure plan  
11 may obtain a permit and the responsible official shall establish a  
12 date and location for burning such debris, provided there is no burn  
13 ban in effect. The debris may be burned on the resident's property  
14 or at an appropriate location as determined by the municipality or  
15 county.

16 D. The Board of Environmental Quality is authorized to  
17 promulgate any rules necessary to implement the provisions of this  
18 act.

19 SECTION 2. It being immediately necessary for the preservation  
20 of the public peace, health and safety, an emergency is hereby  
21 declared to exist, by reason whereof this act shall take effect and  
22 be in full force from and after its passage and approval.

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