

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 3126

By: Roberts (Sean)

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6 AS INTRODUCED

7 An Act relating to environment and natural resources;
8 directing the Department of Environmental Quality to
9 evaluate impact of certain air quality; requiring
10 federal land manager to respond to certain requests;
11 directing federal land manager to develop and submit
12 plan for evaluating visibility in certain areas;
13 requiring the Department to approve certain plan if
14 cost is borne by federal government; directing
15 certain federal agency to provide certain inventory
16 to the Department; directing the Department to
17 promulgate rules; requiring the Department to utilize
18 certain information; providing that cost of certain
19 inventories be borne by the federal government;
20 providing for codification; and providing an
21 effective date.

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

25 SECTION 1. NEW LAW A new section of law to be codified
26 in the Oklahoma Statutes as Section 2-5-200 of Title 27A, unless
27 there is created a duplication in numbering, reads as follows:

28 A. As part of the State of Oklahoma's ongoing development and
29 implementation of a long-term strategy in connection with visibility
30 and air quality related values within Class I federal areas, the
31 Department of Environmental Quality shall evaluate the extent to

1 which the activities of the federal government are directly
2 adversely impacting visibility and air quality related values within
3 Class I areas and make a determination whether such entities have
4 taken or are taking all reasonable steps necessary to remedy that
5 impact. At any time, the Department of Environmental Quality may
6 make, and a federal land manager shall respond to, reasonable
7 requests for information necessary for the Department to perform
8 such evaluation.

9 B. For the purpose of addressing regional haze and visibility
10 impairment in Oklahoma's mandatory Class I federal areas, the
11 federal land manager of each such area shall develop a plan for
12 evaluating visibility in that area by visual observation or other
13 appropriate monitoring technique approved by the federal
14 Environmental Protection Agency and shall submit such plan for
15 approval to the Department of Environmental Quality as part of the
16 state implementation plan. Such submittal and compliance by the
17 federal land managers shall be done in a manner and at a time so as
18 to meet all present or future federal requirements for the
19 protection of visibility in any mandatory Class I federal area.
20 Such plan shall only be approved by the Department of Environmental
21 Quality if the expense of implementing such a plan is borne by the
22 federal government.

23 C. In addition to the plan submitted by each federal land
24 manager pursuant to subsection B of this section, the responsible

1 federal land management agency shall provide an emission inventory
2 to the Department of Environmental Quality of all federal land
3 management activities in Oklahoma or other states that result in the
4 emission of criteria pollutants, including surrogates or precursors
5 for such pollutants, that affect any mandatory Class I federal area
6 in Oklahoma by reducing visibility in such an area. Such emission
7 inventory shall be submitted to the Department of Environmental
8 Quality no later than December 31, 2020, and no less frequently than
9 every five (5) years thereafter. The Department of Environmental
10 Quality shall exempt from the inventory any sources or categories of
11 sources that it determines to be of minor significance.

12 D. The Department of Environmental Quality shall adopt rules to
13 fully implement the Legislature's intention to exercise state powers
14 to the maximum extent allowed under Section 118 of the United States
15 Clean Air Act in requiring each federal land management agency with
16 any presence in the State of Oklahoma to develop and submit to the
17 Department an inventory of emissions from lands, wherever situated,
18 which could have any effect on visibility within mandatory Class I
19 federal areas located in Oklahoma. The Department of Environmental
20 Quality shall use the information from these emission inventories:

21 1. To develop control strategies for reducing emissions within
22 the State of Oklahoma as a primary component of the visibility long-
23 term strategies for inclusion in the state implementation plan;

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1 2. In any environmental impact statement or environmental
2 assessment required to be performed under the federal "National
3 Environmental Policy Act of 1969," 42 U.S.C., Sections 4323 to 4347;
4 and

5 3. To exercise all powers and processes that exist to seek
6 reduction in emissions outside the State of Oklahoma that reduce
7 visibility in the Oklahoma mandatory Class I federal areas.

8 E. The cost of preparing and submitting inventories pursuant to
9 subsection C of this section shall be borne by the federal
10 government.

11 SECTION 2. This act shall become effective November 1, 2014.

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