

1 ENGROSSED HOUSE  
2 BILL NO. 1450

By: Calvey of the House

and

Bice of the Senate

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7 An Act relating to environment and natural resources;  
8 amending 27A O.S. 2011, Section 2-14-103, which  
9 relates to definitions for the Oklahoma Uniform  
10 Environmental Permitting Act; adding person  
11 authorized to issue or deny certain permits; and  
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 27A O.S. 2011, Section 2-14-103,  
15 is amended to read as follows:

16 Section 2-14-103. For the purposes of the Oklahoma Uniform  
17 Environmental Permitting Act:

18 1. "Application" means a document or set of documents, filed  
19 with the Department of Environmental Quality for the purpose of  
20 receiving a permit or the modification, amendment or renewal thereof  
21 from the Department. "Application" includes any subsequent  
22 additions, revisions or modifications submitted to the Department  
23 which supplement, correct or amend a pending application;  
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1        2. "Council" means any advisory council authorized by the  
2        Legislature to recommend rules to the Environmental Quality Board;

3        3. "Draft permit" means a draft document prepared by the  
4        Department after it has found a Tier II or III application for a  
5        permit to be administratively and technically complete, pursuant to  
6        the requirements of the Oklahoma Environmental Quality Code and  
7        rules promulgated thereunder, and that such application may warrant  
8        the issuance, modification or renewal of the permit;

9        4. "Permit" means a permission required by law and issued by  
10       the Department, the application for which has been classified as  
11       Tier I, II or III by the Board. The term "permit" includes but is  
12       not limited to:

- 13           a. specific types of permits and other Department  
14           authorizations including certifications,  
15           registrations, licenses and plan approvals, and
- 16           b. an approved variance from a promulgated rule; however,  
17           for existing facilities the Department may require  
18           additional notice and public participation  
19           opportunities for variances posing the potential for  
20           increased risk;

21       5. "Process meeting" means a meeting open to the public which  
22       is held by the Department to explain the permitting process and the  
23       public participation opportunities applicable to a specific Tier III  
24       application;

1        6. "Proposed permit" means a document, based on a draft permit  
2 and prepared by the Department after consideration of comments  
3 received on the draft permit, which indicates the Department's  
4 decision to issue a final permit pending the outcome of an  
5 administrative permit hearing, if any;

6        7. "Qualified interest group" means any organization with  
7 twenty-five or more members who are Oklahoma residents;

8        8. "Response to comments" means a document prepared by the  
9 Department after its review of timely comments received on a draft  
10 denial or draft permit pursuant to public comment opportunities  
11 which:

- 12            a. specifies any provisions of the draft permit that were  
13 changed in the proposed or final permit and the  
14 reasons for such changes, and  
15            b. briefly describes and responds to all significant  
16 comments raised during the public comment period or  
17 formal public meeting about the draft denial or draft  
18 permit;

19        9. "Tier I" means a basic process of permitting which includes  
20 application, notice to the landowner and Department review. For the  
21 Tier I process a permit shall be issued or denied by a technical  
22 supervisor of the reviewing Division ~~or~~, a local representative of  
23 the Department, or the chief engineer of the Department provided  
24 such authority has been delegated thereto by the Executive Director;

1        10. "Tier II" means a secondary process of permitting which  
2 includes:

- 3            a. the Tier I process,
- 4            b. published notice of application filing,
- 5            c. preparation of draft permit or draft denial,
- 6            d. published notice of draft permit or draft denial and  
7               opportunity for a formal public meeting, and
- 8            e. public meeting, if any.

9 For the Tier II process, a permit shall be issued or denied by the  
10 Director of the reviewing Division or the chief engineer of the  
11 Department provided such authority has been delegated thereto by the  
12 Executive Director; and

13        11. "Tier III" means an expanded process of permitting which  
14 includes:

- 15            a. the Tier II process except the notice of filing shall  
16               also include an opportunity for a process meeting,
- 17            b. preparation of the Department's response to comments,  
18               and
- 19            c. denial of application, or
- 20            d. preparation of a proposed permit, published notice of  
21               availability of proposed permit and response to  
22               comments and of opportunity for an administrative  
23               permit hearing; and administrative permit hearing if  
24               any.

1 For the Tier III process a permit shall be issued or denied by the  
2 Executive Director.

3 SECTION 2. This act shall become effective November 1, 2015.

4 Passed the House of Representatives the 12th day of February,  
5 2015.

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7 Presiding Officer of the House  
8 of Representatives

9 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2015.

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11 Presiding Officer of the Senate  
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