

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 HOUSE BILL 1450

 By: Calvey of the House

5 and

6 Bice of the Senate

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9 AS INTRODUCED

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

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

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

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

21 1. "Application" means a document or set of documents, filed
22 with the Department of Environmental Quality for the purpose of
23 receiving a permit or the modification, amendment or renewal thereof
24 from the Department. "Application" includes any subsequent

1 additions, revisions or modifications submitted to the Department
2 which supplement, correct or amend a pending application;

3 2. "Council" means any advisory council authorized by the
4 Legislature to recommend rules to the Environmental Quality Board;

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

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

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

23 5. "Process meeting" means a meeting open to the public which
24 is held by the Department to explain the permitting process and the

1 public participation opportunities applicable to a specific Tier III
2 application;

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

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

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

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

21 9. "Tier I" means a basic process of permitting which includes
22 application, notice to the landowner and Department review. For the
23 Tier I process a permit shall be issued or denied by a technical
24 supervisor of the reviewing Division ~~or~~, a local representative of

1 the Department, or the chief engineer of the Department provided
2 such authority has been delegated thereto by the Executive Director;

3 10. "Tier II" means a secondary process of permitting which
4 includes:

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

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

15 11. "Tier III" means an expanded process of permitting which
16 includes:

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

1 permit hearing; and administrative permit hearing if
2 any.

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

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

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7 COMMITTEE REPORT BY: COMMITTEE ON ENVIRONMENTAL LAW, dated
8 02/10/2015 - DO PASS, As Coauthored.
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