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March 5, 2015

ENGROSSED HOUSE

BILL NO. 1450

By: Calvey of the House

and

Bice of the Senate

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

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

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

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

1. "Application" means a document or set of documents, filed with the Department of Environmental Quality for the purpose of receiving a permit or the modification, amendment or renewal thereof from the Department. "Application" includes any subsequent additions, revisions or modifications submitted to the Department which supplement, correct or amend a pending application;

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 COMMITTEE REPORT BY: COMMITTEE ON ENERGY
5 March 5, 2015 - DO PASS
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