

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 246 By: Allen of the Senate

3 and  
4 Roberts (Sean) of the House  
5

6  
7 An Act relating to environment and natural resources;  
8 amending Section 1, Chapter 230, O.S.L. 2019 (27A  
9 O.S. Supp. 2020, Section 2-5-130); amending area  
10 affected; and providing an effective date.

11 AMENDMENT NO. 1. Delete the title, enacting clause and entire bill  
12 and replace with:

13 "An Act relating to environment and natural  
14 resources; amending Section 1, Chapter 230, O.S.L.  
15 2019 (27A O.S. Supp. 2020, Section 2-5-130), which  
16 relates to the use of air curtain incinerators;  
17 modifying exceptions for certain burning operations;  
18 and providing an effective date.

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

20 SECTION 1. AMENDATORY Section 1, Chapter 230, O.S.L.  
21 2019 (27A O.S. Supp. 2020, Section 2-5-130), is amended to read as  
22 follows:

23 Section 2-5-130. A. 1. The Department of Environmental  
24 Quality shall not require the use of an air curtain incinerator for

1 fires purposely set for land clearing operations except in counties  
2 or areas within a county that:

3 a. are or have been designated nonattainment for a  
4 National Ambient Air Quality ~~Standard~~ Standards  
5 (NAAQS) or where the Department-certified ambient air  
6 quality monitoring data documents a violation of  
7 primary NAAQS prior to such determination, or ~~in~~  
8 ~~metropolitan statistical areas with~~

9 b. have a population of greater than ~~nine hundred~~  
10 ~~thousand (900,000)~~ five hundred thousand (500,000)  
11 people according to the latest Federal Decennial  
12 Census.

13 2. For the purposes of this section, "air curtain incinerator"  
14 means an incineration unit, operating by forcefully projecting a  
15 curtain of air across an open integrated combustion chamber or open  
16 pit or trench, in which combustion occurs. ~~For the purposes of this~~  
17 ~~section, "metropolitan statistical area," means a core area~~  
18 ~~containing a substantial population nucleus, together with adjacent~~  
19 ~~communities having a high degree of economic and social integration~~  
20 ~~with that core, as defined by the federal Office of Management and~~  
21 ~~Budget.~~

22 B. The Department shall not require the use of an air curtain  
23 incinerator for fires purposely set for the burning of clean wood  
24

1 waste or yard brush except in counties or areas within a county that  
2 are:

3 1. Are or have been designated nonattainment for a National  
4 Ambient Air Quality ~~Standard~~ Standards (NAAQS) or where the  
5 Department-certified ambient air quality monitoring data documents a  
6 violation of primary NAAQS prior to such determination; or ~~in~~  
7 ~~metropolitan statistical areas with~~

8 2. Have a population of greater than ~~nine hundred thousand~~  
9 ~~(900,000)~~ five hundred thousand (500,000) people according to the  
10 latest Federal Decennial Census.

11 C. The Department may promulgate rules to limit accumulation of  
12 clean wood waste or yard brush.

13 D. The burning of clean wood waste or yard brush shall not  
14 create a public nuisance.

15 E. The Department shall promulgate rules to carry out the  
16 provisions of this section.

17 SECTION 2. This act shall become effective November 1, 2021."  
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1 ENGROSSED SENATE  
2 BILL NO. 246

By: Allen of the Senate

3 and

4 Roberts (Sean) of the House

5  
6 An Act relating to environment and natural resources;  
7 amending Section 1, Chapter 230, O.S.L. 2019 (27A  
8 O.S. Supp. 2020, Section 2-5-130); amending area  
9 affected; and providing an effective date.

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

11 SECTION 3. AMENDATORY Section 1, Chapter 230, O.S.L.  
12 2019 (27A O.S. Supp. 2020, Section 2-5-130), is amended to read as  
13 follows:

14 Section 2-5-130. A. 1. The Department of Environmental  
15 Quality shall not require the use of an air curtain incinerator for  
16 fires purposely set for land clearing operations except in counties  
17 or areas that:

- 18 a. are or have been designated nonattainment for a  
19 National Ambient Air Quality Standard, or in  
20 b. are located within a metropolitan statistical areas  
21 with area and have a population of greater than nine  
22 hundred thousand (900,000) five hundred thousand  
23 (500,000) people according to the latest Federal  
24 Decennial Census.

1           2. For the purposes of this section, "air curtain incinerator"  
2 means an incineration unit, operating by forcefully projecting a  
3 curtain of air across an open integrated combustion chamber or open  
4 pit or trench, in which combustion occurs. For the purposes of this  
5 section, "metropolitan statistical area," means a core area  
6 containing a substantial population nucleus, together with adjacent  
7 communities having a high degree of economic and social integration  
8 with that core, as defined by the federal Office of Management and  
9 Budget.

10           B. The Department shall not require the use of an air curtain  
11 incinerator for fires purposely set for the burning of clean wood  
12 waste or yard brush except in counties or areas that:

- 13           a. are or have been designated nonattainment for a  
14           National Ambient Air Quality Standard, or in
- 15           b. are located within a metropolitan statistical ~~areas~~  
16           area with and have a population of greater than ~~nine~~  
17           ~~hundred thousand (900,000)~~ five hundred thousand  
18           (500,000) people according to the latest Federal  
19           Decennial Census.

20           C. The Department may promulgate rules to limit accumulation of  
21 clean wood waste or yard brush.

22           D. The burning of clean wood waste or yard brush shall not  
23 create a public nuisance.

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