

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 1. 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 area
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 area
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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1 E. The Department shall promulgate rules to carry out the
2 provisions of this section.

3 SECTION 2. This act shall become effective November 1, 2021.
4 Passed the Senate the 2nd day of March, 2021.

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6 _____
7 Presiding Officer of the Senate

8 Passed the House of Representatives the ____ day of _____,
9 2021.

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11 _____
12 Presiding Officer of the House
13 of Representatives

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