

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 246

By: Allen of the Senate

and

7 Roberts (Sean) of the House

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11 COMMITTEE SUBSTITUTE

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

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

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

22 Section 2-5-130. A. 1. The Department of Environmental
23 Quality shall not require the use of an air curtain incinerator for
24 fires purposely set for land clearing operations except in counties
 or areas within a county that:

- 1 a. are or have been designated nonattainment for a
2 National Ambient Air Quality ~~Standard~~ Standards
3 (NAAQS) or where the Department-certified ambient air
4 quality monitoring data documents a violation of
5 primary NAAQS prior to such determination, or ~~in~~
6 ~~metropolitan statistical areas with~~
- 7 b. have a population of greater than ~~nine hundred~~
8 ~~thousand (900,000)~~ five hundred thousand (500,000)
9 people according to the latest Federal Decennial
10 Census.

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

20 B. The Department shall not require the use of an air curtain
21 incinerator for fires purposely set for the burning of clean wood
22 waste or yard brush except in counties or areas within a county that
23 are:
24

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

6 2. Have a population of greater than ~~nine hundred thousand~~
7 ~~(900,000)~~ five hundred thousand (500,000) people according to the
8 latest Federal Decennial Census.

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

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

13 E. The Department shall promulgate rules to carry out the
14 provisions of this section.

15 SECTION 2. This act shall become effective November 1, 2021.

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17 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND NATURAL RESOURCES,
18 dated 04/01/2021 - DO PASS, As Amended.