

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

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.